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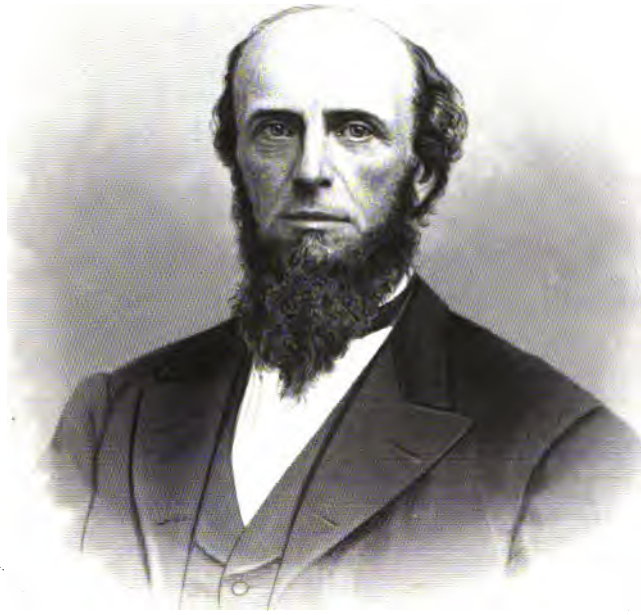

Thos. H. Selby

REPRESENTATIVE AND LEADING

MEN OF THE PACIFIC:

BEING

ORIGINAL SKETCHES

OF THE

LIVES AND CHARACTERS OF THE PRINCIPAL MEN, LIVING AND DECEASED, OF THE PACIFIC STATES AND TERRITORIES—PIONEERS, POLITICIANS, LAWYERS, DOCTORS, MERCHANTS, ORATORS, AND DIVINES—TO WHICH ARE ADDED THEIR SPEECHES, ADDRESSES, ORATIONS, EULOGIES, LECTURES, AND POEMS, UPON A VARIETY OF SUBJECTS, INCLUDING THE HAPPIEST FORENSIC EFFORTS

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TO

WILLIAM T. COLEMAN, ESQ.

OF YONKERS, NEW YORK:

A CALIFORNIA PIONEER OF 1849,

AND, FOR MANY YEARS, A LEADING MERCHANT OF THE

Metropolis of the Pacific,

THIS VOLUME IS INSCRIBED IN TOKEN OF THE REGARD ENTERTAINED FOR HIS CHARACTER BY

THE EDITOR.

F851
S56

PREFACE.

The EDITOR has long entertained the belief, that a volume of biographical sketches of men who have attained an honorable prominence in the young commonwealths of the Pacific would be received with favor by the reading public, as containing not only notices of leading characters, but also a condensed history of the remarkable times in which the infancy of those States was cast.

Such a volume he now lays before the people. He has improved upon his original design, by incorporating into the work a large number of Speeches, Orations, Poems, etc., delivered at various times and places throughout the Pacific States; which, in his judgment, render the work highly attractive, interesting and valuable.

The volume will be found to contain twenty-four Speeches, Orations and Addresses; six Poems, and fifty-nine Biographical Sketches. Of the latter a few are not original, and it is necessary to say a word concerning them.

That of GEN. E. D. BAKER, by Hon. Edward Stanly, was not written by that gentleman for this work, but is taken from his Eulogy, delivered in San Francisco, in 1861. This chaste production reappears here, with some changes which the EDITOR deemed important, and which the Author will no doubt excuse.

From Gen. Cullum's "Army Register" were procured the necessary data for the sketch of GEN. STEVENS.

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The notice of JAMES KING OF WILLIAM is taken almost entirely from a brief biography of him, issued in pamphlet shortly after his death. The original sketch has received many important corrections from the pen of a gentleman of San Francisco, who was intimate with Mr. King, but who thinks it unnecessary that his name should appear.

The notice of COL. A. M. PICO is inserted, with a few slight alterations, as it first appeared in the San Francisco "News Letter" of 1869.

The article on DELAZON SMITH is taken from the New York "Democratic Review" of 1860.

The interesting narrative of GEN. SUTTER'S early movements in California was first embodied in a petition submitted to Congress on behalf of the old veteran several years ago, praying the nation to repair his heavy losses suffered at the hands of the "settlers" of 1849.

The name of the writer of each of the other sketches will be found at the head of the proper notice, except in a few instances, in which, by the author's particular request, his name is not given.

Although the EDITOR claims no credit for the manner in which he has performed his task, yet he is proudly conscious of the fact that he is giving to the world a work of beauty and merit; for (and who will gainsay it?) no volume enriched with selections from the masterpieces of BAKER, MCDOUGALL, RANDOLPH and T. STARR KING, can be other than useful and meritorious.

O. T. S.

SAN FRANCISCO, CAL., February, 1870.

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JOHN A. SUTTER.*

GEN. SUTTER was born March 1st, 1803, in the Grand Duchy of Baden, where his early boyhood was passed. His father, who was a clergyman of the Lutheran Church, afterwards removed to Switzerland, and settled there with his family. He purchased for himself and heirs the rights and immunities of Swiss citizenship. The statement, in the volume entitled "Annals of San Francisco," that "John A. Sutter was the son of a Swiss of the canton Berne," is incorrect. Our subject received a good education, both civil and military.

Early in life he married a Bernese lady, and was blessed with several children. At the age of thirty-one, he determined to gratify a desire he had long cherished, to emigrate to the United States. Not knowing whether or not he should settle permanently in the "Great Republic," he concluded to leave his family behind him. He arrived at New York in July, 1834. After visiting several of the Western States, he settled in Missouri, and there resided for several years. At St. Charles, Missouri, he made, before the proper tribunal, his declaration to become a citizen of the United States. During his residence in Missouri, he made a short visit to New Mexico, where he met with many trappers and hunters, returned from Upper California, whose glowing descriptions confirmed his previous impressions, and excited within his breast an ardent desire to behold and wander over the rich lands and beautiful valleys, to breathe the pure air and enjoy the unrivalled climate, of that then almost unknown region. Upon returning to Missouri,

*For explanatory note, see Preface.

he determined to reach the Pacific by joining some one of the trapping expeditions of the American or English Fur Companies. But great obstacles were to be surmounted, and long years were to intervene, before his feet would rest upon the virgin soil of California. On the first day of April, 1838, the General was enabled, for the first time, to connect himself with a trapping expedition. On that day, he left the Missouri with Captain Tripp of the American Fur Company, and travelled with his party to their rendezvous in the Rocky Mountains. There he parted with the expedition, and with six horsemen, crossed the mountains, and after encountering the usual lot of dangers and hardships, arrived at Fort Vancouver.

Having before learned that there was no known land-communication with California from the valleys of the Columbia or Willamette in winter, and there being then a vessel of the Hudson Bay Company ready to sail from Fort Vancouver to the Sandwich Islands, Gen. Sutter took passage in her, hoping to find at the islands some means of conveyance to California. Only one of the men who had remained with him thus far, consented to accompany him. On reaching the islands, he found no prospect of a conveyance, and after remaining five months, as the only means of accomplishing his purpose, he shipped as supercargo, without pay, on an English vessel, chartered by a party of Americans, bound for Sitka.

After discharging his cargo at the latter place to the full satisfaction of the charterers, Gen. Sutter, with their authority, directed his vessel southward, and sailed down the Pacific Coast, encountering heavy gales. He was driven into the bay of San Francisco in distress, and on the second day of July, 1839—just five years after the date of his arrival in New York from Switzerland—anchored his little craft opposite Yerba Buena, now San Francisco.

He was immediately waited upon by a Mexican official, with an armed force, and ordered to leave without delay, the officer informing him that Monterey was the "port

of entry." He succeeded, however, in obtaining permission to remain forty-eight hours to get supplies.

A few days later, upon arriving at the "port of entry," Gen. Sutter waited upon Governor Alvarado and communicated to him his desire to settle in Upper California, on the Sacramento. Gov. Alvarado expressed himself much gratified upon learning his visitor's wish, particularly when he understood his desire to settle on the Sacramento; saying the Indians in that quarter were very hostile, and would not permit any whites to settle there; that they robbed the inhabitants of San José and the lower settlements of their horses, cattle, etc. He readily gave Gen. Sutter a passport, with power to settle any territory he should deem suitable for his colony and purposes, and requested him to return to Monterey in one year from that time, when his Mexican citizenship would be acknowledged, and he would receive a "grant" for the land he might solicit.

Thereupon, the General returned to Yerba Buena and chartered a schooner, with some small boats, and started upon an exploring expedition on the Sacramento river.

Upon diligent inquiry, *he could not find any one at Yerba Buena who had ever seen the Sacramento river*, or who could describe to him where he could find its mouth; the people of that place only professed to know that some large river emptied into one of the connected bays lying northerly from their town. Gen. Sutter consumed *eight days* in the effort to find the mouth of that river.

After finding it, and ascending the river to a point about ten miles below the place where Sacramento city now stands, he encountered the first large party of Indians; there were about two hundred of them, all armed and painted for war; they exhibited every mark of hostility, save an actual outbreak. Fortunately, there were two among them who understood Spanish, and with whom the General engaged in conversation. He quieted them by assurances that there were no Spaniards (against whom they were particularly exasperated) in his party; that he wished to settle in their country, and trade with them. He showed them his agricultural implements and

commodities of trade, which he had provided for the purpose, and proposed to make a sort of treaty with them. He furthermore explained to them the advantages which they could mutually derive from each other. Pleased with these assurances, they became contented, the crowd dispersed, and the two who spoke the Spanish language accompanied the General and his party as far as the mouth of Feather river, to show them the country. All other parties of Indians seen, fled at the sight of the vessel and boats.

Parting with his two Indian interpreters and guides at the mouth of the Feather river, Gen. Sutter ascended the latter stream a considerable distance, when a few of his white men became alarmed at the surrounding dangers, and insisted upon returning, which the General was constrained to do.

On his descent, he entered the mouth of the American river, and on the 15th day of August, 1839, landed at the point on the south bank of that stream where he afterwards established his tannery, in the present bounds of Sacramento city. On the following morning, after landing all his effects, he informed the disaffected whites that all who wished to return to Yerba Buena could do so; that the Kanakas were willing to remain, and that he had resolved to do so, if alone. Three of the whites determined to leave, and he put them in possession of the schooner, with instructions to deliver her to her owners. They set sail for Yerba Buena the same day.

Three weeks thereafter, Gen. Sutter removed to the spot upon which he afterwards erected FORT SUTTER. This old Sacramento landmark is still standing, but its weather-beaten walls are crumbling into dust; no hand is ready to strengthen and protect them, and not long will the venerable structure remind the early pioneer of the virgin days when the discovery of gold had not yet given the land over as a prey to the adventurous and the lawless.

In the early days of the settlement, Gen. Sutter encountered many troubles with the Indians, who organized secret expeditions, as he afterwards learned, to

destroy him and his party; but, directed by an overruling Providence, he defeated or frustrated all their machinations, and those who were at first his greatest enemies, came to be his best and most steadfast friends.

The General now devoted himself energetically to agriculture and stock-raising. It will be seen that he became very wealthy and prosperous.

In the fall of the year 1839, he purchased of Señor Martinez, who resided not far from San Francisco bay, three hundred head of cattle, thirty horses, and thirty mares. During that fall, eight more white men joined his colony. When he commenced those improvements that resulted in the erection of SUTTER'S FORT and his establishment there, he had much trouble in procuring suitable lumber and timber. He floated some down the American from the mountains, and was also compelled to send to Bodega on the sea-coast, a distance of several hundred miles.

In August, 1840, he was joined by the five men who crossed the Rocky Mountains with him, and whom he had left in Oregon. His colony now numbered twenty-five men, seventeen whites and eight Kanakas. During the fall of this year, the Mokelumne Indians became troublesome by stealing the live-stock of the settlers; they even threatened the destruction of the settlement, and compelled Gen. Sutter, by their acts and menaces, to make open war against them. He marched with his forces thirty miles in the night-time to the camp of the Indians, (where they were concentrating large forces for a movement against him) and attacked them—some two hundred warriors—with such effect that they retreated, and being hotly pursued, they sued for peace, which was readily granted, and ever afterwards mutually maintained.

Shortly after this encounter, Gen. Sutter purchased one thousand more head of cattle and seventy-five horses and mares. His colony continued to increase by the addition of every foreigner, Americans and others, who came into the country: they sought his place as one of security.

The trappers he furnished with supplies, and purchased or received in exchange their furs; the mechanics and laborers he either employed or procured them work.

In June, 1841, he revisited Monterey, the capital, where he was declared a Mexican citizen, and received from Gov. Alvarado a "grant" for his land by the name of "New Helvetia," a survey of which he had caused to be made before that time.

Thereupon, he was honored with a commission from the Govenor, of "Representantè del govierno en las fronteras del norte y encargado de la justicia."

Soon after his return to his settlement, he was visited by Captain Ringgold, of the United States Exploring Expedition, under Commodore Wilkes, with officers and men, and about the same time, by Mr. Alexander Rotcheff, Governor of the Russian possessions, "Ross & Bodega," who, during his stay, offered to sell to Gen. Sutter the Russian possessions, settlements, and ranchos of Ross & Bodega. The terms were such as induced him to start with Rotcheff for those possessions and examine the same; after which he made the purchase of the land and posessions for the sum of $30,000—the personal property for a few thousand dollars more. The live-stock then consisted of over 2,000 head of cattle, over 1,000 head of horses, 50 or more mules, and over 2,000 head of sheep, the greater part of which were driven to New Helvetia, the residue left on the premises in the charge of an agent whom he kept on the property to hold possession of the same.

This increase of his resources, together with the natural increase of his stock, besides several smaller lots purchased from other parties, enabled him the more rapidly to advance his settlement and improvements.

In the year 1844, he petitioned Govenor Manuel Micheltorena for the grant or purchase of the "sobrante," or surplus, over the first eleven leagues of the land within the bounds of the survey accompanying the Alvarado grant, which the Governor agreed to let him have; but, for causes growing out of political troubles then disturbing the public repose, the grant was not finally executed

until the 5th day of February A. D. 1845; during which time he had rendered valuable military services, and advanced to the Government large amounts of property and outlays, exceeding in value the sum of $8,000, to enable it to suppress the Castro rebellion; in consideration of all which he acquired, by purchase and personal services, the lands called the "sobrante," or surplus.

At that time he also received from the last named Governor, the commission of "Commandante militar de las fronteras del norte y encargado de la justicia." After this time the war between the United States and Mexico came on; and although Gen. Sutter was an officer under the Mexican Government, and bound to it by his allegiance, yet, upon all occasions, such was his respect toward the citizens and the institutions of the United States, that whenever any party of American citizens, civil or in military service, visited him, his unbounded hospitalities were uniformly and cordially extended to them; and when the country surrendered to American forces, the General, who had for some time been convinced of the instability of the Mexican Government, upon request, did, on the 11th of July, 1846, hoist the American flag with good heart, accompanied by a salute of artillery from the guns of his fort.

Soon after, Lieutenant Missroon, of the United States Navy, came up and organized a garrison for Sutter's Fort, principally out of his former forces, of whites and Indians, and gave to Gen. Sutter the command, which he maintained until peace returned. He was then appointed by Commodore Stockton Alcalde of the District, and by Gen. Kearny Indian Agent, with a salary of $750 per annum; but a single trip in the discharge of his duty as Indian Agent cost him $1,600, which induced him to resign that office.

Gen. Sutter was now in the full tide of prosperity. His settlement continued to grow and his property to accumulate until the latter part of January, 1848. He had then completed his establishment at the fort; had performed all the conditions of his grants of land; had, at an expense of at least $25,000, cut a race of three

miles in length and nearly completed a flouring mill, for the benefit of himself and the country, near the present town of Brighton; had expended towards the erection of a saw-mill near the town of Coloma about $10,000; had sown over a thousand acres of land in wheat, which promised a yield of over 40,000 bushels, and had made preparations for other crops; was then the owner of about 8,000 head of cattle, over 2,000 head of horses and mules, over 2,000 head of sheep, and over 1,000 head of hogs; and was in the undisturbed, undisputed and quiet possession of the extensive lands granted him by the Mexican Government. From the centre of his broad domain could be seen, as far as the eye could stretch on every hand, a prospect to gladden the heart of the husbandman. But a sad change was about to take place in the affairs of the old PIONEER: a grand event was about to transpire, which, while it would delight and electrify the world at large, was yet destined to check the growth of the settlement at Sutter's Fort and cast a blight upon its prosperity. Gen. Sutter's mills were soon to cease their operations, his laborers and mechanics were soon to desert him, his possessions, his riches, his hopes, were soon to be scattered and destroyed before the impetuous charge of the gold-hunters.

On the night of the 28th of January, 1848, JAMES W. MARSHALL, the millwright employed upon the saw-mill before mentioned, arrived at the Fort from the mountains, and informed Gen. Sutter that he had found in the mill-race dug for the saw-mill, some pieces of metal having the appearance of gold, which he exhibited, and which, upon application of the proper test, was found to be, indeed, GOLD.

Marshall, one day, having allowed the whole body of water to rush through the tail-race of the mill for the purpose of making some alterations in it, observed, while walking along the bank of the stream early in the following morning, numerous glistening particles among the sand and gravel, which had been carried off by the force of the increased body of water. Collecting several

pieces, he hastened to his employer—and the great discovery was soon known.

As soon as he could prepare himself, the General returned with Marshall to the mill, where he remained until the 5th day of February, during which time he became satisfied of the existence of abundance of gold at that place. All the hands there at work were in Gen. Sutter's employ: he urged them not to speak of the discovery until he could return to his fort and have his grist-mill finished, which would require six weeks longer, and secure hands to finish planting his crops; for if the discovery should be known all his hands would desert him.

He returned to his fort, but at the end of a week or ten days a rumor had existed that a gold mine had been discovered at Sutter's mill: it rapidly spread, and soon the reality was known to all. Its subsequent history is largely intermingled with the history of the times. The immediate effect was that Gen. Sutter was deserted by all his mechanics and laborers—white, Kanaka, and Indian. The mills thus deserted became a dead loss: he could not hire labor to further plant or mature his crops or reap but a small part after the grain had ripened. Few hands were willing to work for even an ounce of gold a day: the industrious could make more than that in the mines. Consequent to this discovery there was an immense immigration, composed of all classes of men, many of whom seemed to have no idea of the rights of property

The treaty between the United States and Mexico guaranteed to the Mexican who should remain in the country a protection of his property. Gen. Sutter regarded himself doubly entitled to that protection, either as a Mexican or as a citizen of the United States, (which latter he became by virtue of that conquest and his original declaration) and that he held a strong claim upon his country's justice.

His property was respected for a season; but when the great flood of immigration which poured into California in the years 1849 and 1850, found that money

could be made by other means than mining, many of the new-comers forcibly entered upon his land and commenced cutting and selling his wood and using his grass, under the plea that his land was vacant and unappropriated land of the United States. Lawyers were found who sustained them in their trespass and advocated their rights, although there were none who came from any part of Christendom who had not heard of the General's claims and large landed estates, the full justice given to and recognition of which by the Mexican Government is shown by the following fact: When Don Andres Castillero, a senator from México, visited Gen. Sutter, in company with the Californian authorities, they offered him, by authority and in the name of the Mexican Government, either the sum of $100,000, or the property of the mission of San José, with the live-stock thereon, and orders for cash on the Custom-House, in exchange for New Helvetia. Both of these then very handsome offers were declined, contrary to the advice of the late Pierson B. Reading and others, for the reason that, by giving up that point, New Helvetia, considered to be, and called by the Mexicans "La llave de la California"—key to California—the American citizens and other immigrants would have lost all protection which Gen. Sutter's then considerable power and position vouchsafed to them.

Another class of men, without any pretext but that of power and address, commenced stealing his horses and butchering his cattle, hogs, and sheep: the first were taken off some distance and exchanged or sold: the meat was sold to the immigrants. Up to the first day of January, 1852, the settlers, under the pretence of preëmption claims, had occupied all his lands capable of settlement or appropriation; and the other class had stolen all his horses, mules, cattle, sheep, and hogs, save a small portion used and sold by Gen. Sutter himself. One party of five men of this second class, during the high waters of 1849–'50, when his cattle were partly surrounded by water near the Sacramento river, on his lands in Sutter county, killed and sold the beef of enough of them to derive $60,000; after which they left for "the States."

Having beheld his power decline and his riches take wings, Gen. Sutter removed to the west bank of the Feather river, and took up his residence on Hock Farm. Here, in the midst of his family, which had recently arrived from Europe, he led the quiet, useful life of a farmer, in the county which bears his name. He has patiently devoted many long years to efforts to regain some portion of that opulence which his energy won, and which he continued to enjoy, until the event occurred which enriched his country and impoverished him. He is now at Washington, where he has been for a considerable time, engaged in pressing his claims upon the general government, for remuneration for the losses and injuries he sustained at the hands of the immigrants of '49.

Gen. Sutter is strongly attached to California, and as soon as his business duties permit, he expects to return, and pass, in the peaceful pursuits of husbandry, amid the scenes of his former prosperity, the sunset of his life.

JOSÉ ANTONIO DE LA GUERRA.

By Alfred Robinson.*

Don Jose Antonio de la Guerra y Noriega was born in Novales, in the province of Santander, Spain, A. D. 1776. He emigrated to Mexico in 1778, where, soon after his arrival, he entered the mercantile house of his uncle, Don Pedro Noriega, a wealthy gentleman residing in the capital, with the intention of becoming a merchant; but finding the business unsuited to his taste, and being ambitious of distinction, and desirous of serving his country and sovereign, he obtained, in 1798, the appointment of cadet in the Royal Army. In 1800, he was promoted ensign to the company then stationed at Monterey, Upper California, where he arrived the following year. In 1804, he married the daughter of Don Raimundo Carillo, Commandante of the Presidio of Santa Barbara. In 1806, he was again promoted, and received the commission of lieutenant in the company stationed at Santa Barbara. In 1810, he was named "Habitado General" of both Upper and Lower California, and immediately embarked with his family for San Blas, on his way to the city of Mexico. On his landing, he was taken prisoner by the curate, Mercado, a partisan of Hidalgo in the revolution of that time, and carried to Istlan, where he fortunately escaped from the cruel assassination of his fellow-prisoners.

The revolution of Hidalgo having deprived him of his office, he remained some time in Tepic, where he served

* For forty-one years a resident of California.

as Ayudante Mayor in the army there stationed, much to the satisfaction of the government. In 1811, he returned with his family to California. For several years thereafter he held command of the troops quartered at San Diego.

In 1817, he was promoted captain and commandante of the company stationed at Santa Barbara. Thither, in that year, he repaired with his family. In 1819, he again went to Mexico as Habitado General. After a short official service, the revolution of 1821 caused him to return to California.

Upon his return, he forwarded to the Mexican Republican government his resignation. It was not accepted. The President, Guadaloupe Victoria, feeling the great need for his services, continued him in the command at Santa Barbara.

In 1828, he was named Diputado to the General Congress of Mexico, but did not fill the office, in consequence of his seat having been already taken and occupied by the "Suplente," Don Gervasio Arguello. He returned to California the following year, in a vessel which he purchased and loaded with an assorted cargo.

He embarked with him as passengers, Abel Stearns, Sherman Peck, and a Scot named Kinloch. Mr. Stearns' visit to California was to receive a large grant of land which his partner had obtained from the Mexican government, and to make arrangements for opening the same to American colonization.

It was in July, 1829, when they landed at Monterey. Their arrival caused considerable commotion and excitement among the Spanish population which, at that time, inhabited the little town. After passing a few days of feasting and enjoyment among his friends and old companions, Don José took leave of them and started overland for San Francisco, (Yerba Buena). He dispatched his vessel to meet him at the last named place. On his route, he was received at the different missions at which he tarried with all the respect and attention due his rank, by the ringing of bells and firing of guns. In consequence of his great intimacy and friendship with the old

Fathers then at the head of the missionary establishments, he was enabled to negotiate very important and satisfactory sales, and soon disposed of his entire cargo.

On reaching San Francisco he found his vessel awaiting him. He immediately discharged his merchandise and set sail for Santa Barbara. His vessel was stranded in attempting to enter the narrow inlet near that port, but all on board were saved and reached their destination.

From that time, Don José lived almost entirely at home in the midst of his family, devoting himself to their welfare and happiness. He took no active part in the political troubles and frequent revolutions of his country, except as a counsellor and mediator, in which capacity, from his great reputation as a man of unspotted integrity, patriotism, humanity and wealth, he wielded immense influence in California.

All the people of Santa Barbara looked up to him as the patriarch of their little community. On every emergency, to him they resorted for advice and succor. Oftentimes, during the periodical visitation of earthquakes in that region, men and women, with their children, would encamp on the square of ground upon which stood his noble mansion, and there remain until their fears subsided, subsisting the while on his hospitality and generosity. It seemed as if they considered his person endowed with supernatural grace. To their simple minds his presence was a sufficient guaranty for their protection.

The children of the little settlement were taught to revere him. As they passed the door of his dwelling they would remove their hats and give the customary obeisance, in the same manner as they did when passing the entrance to their religious sanctuaries.

Don José's family was extensive, and at his death, which occurred in February, 1858, he left behind him *over one hundred descendants.*

Several of his sons made themselves conspicuous in the history of California under the Mexican dynasty. Since its annexation to the United States, Don Pablo de la Guerra and Don Antonio Maria de la Guerra have represented their county in the State Senate. The

former is District Judge of the Judicial District comprising Santa Barbara and San Luis Obispo counties. The daughters of the old gentleman were all married to foreigners. The eldest was the wife of Wm. E. P. Hartwell, once a celebrated merchant and connected with the house of John Beggs & Co., of Lima, when considerable traffic was carried on in the country in the purchase of hides and tallow. The second daughter espoused Don Manuel Jimeno, who, at the time of the surrender of the Mexican power, was secretary to the Governor then commanding in California. She afterwards married Dr. James L. Ord, brother of Major General Ord, of the U. S. Army. The third married Alfred Robinson, of Boston, and the youngest married, first, Don Cesareo Laitillade, after whose death she became the wife of Don Gaspar Oreña—both of her husbands being natives of Spain.

Don José's residence was invariably resorted to by strangers who visited California in those early days, when the name of the now prosperous and powerful State was seldom heard spoken beyond her own limits. The excellencies of his table, and the noble hospitality which he extended to his numerous guests, are yet fondly remembered by the few survivors who partook of his bounty.

Doña M. Antonia, his wife, added to the charms of his establishment, and her ladylike manners and amiability of character were admired by all. An American lady who visited California in 1832, in speaking of the many good qualities of Doña Maria Antonia, observed that there were two things supremely exquisite in California —one of which was the grape, and the other the lady of Don José de la Guerra y Noriega.

At times when the political disturbances which agitated the country were most annoying, Don José would frequently exclaim: "*Cuando vendran los Americanos para tomar posesion de este pais?*—When will the Americans come to take possession of this country?" He had an extraordinary aversion to the Mexican government, and was ready to welcome any change which promised to put an end to the repeated political convulsions harassing the people and ruining the country. Therefore, when

war commenced between the United States and Mexico, his ardent love of permanent peace, order and prosperity moved him to call down the blessings of heaven upon the American arms, whose success he predicted. He lived to see the issue of that great conflict, and its happy effects upon the interests and prosperity of his adopted land. It may be said of him, truthfully, paradoxical as the expression may seem, that he was a man of true patriotism, yet beheld his country conquered without regret. When the American flag was unfurled over his own home, he greeted the triumphant banner as the symbol of justice and peace.

At his death, the whole town turned out to do homage to his remains, which were followed to the grave by the largest funeral procession that had ever been seen in Santa Barbara. Many an old veteran, companion of his youth, was seen, whose cheeks were moistened with tears of regret, and whose feeble gait indicated that he, too, would soon be laid by the side of the virtuous and upright old pioneer.

PIERSON B. READING.

This noble pioneer died on his farm in Shasta County, California, in May, 1868. The sad announcement of his death was heard with profound regret throughout the State. In San Francisco, the Society of California Pioneers, at its monthly meeting in June, 1868, appointed PHILIP A. ROACH, JOSEPH W. WINANS, LEWIS CUNNINGHAM, ARCHIBALD H. GILLESPIE and JACOB R. SNYDER, a committee to prepare resolutions in respect to the memory of the deceased. This committee, in the discharge of their duty, made commendable efforts to obtain from every available source, information concerning the life and services of the dead pioneer. It is matter for deep regret that the labors of the committee were not followed by greater success.

The EDITOR, knowing the energetic exertions made by the committee, concluded it would be futile to endeavor to procure any further information in regard to MAJOR READING'S career than that given by them in their report, which is on file in the office of the Society. He therefore reproduces, in a permanent form, this brief record of a life,

"Precious in the memorial of the just."

Obituary of Pierson B. Reading.

THE undersigned, Committee appointed by the Society of California Pioneers, at its regular monthly meeting of June, 1868, to prepare suitable resolutions to the memory of Pierson B. Reading, lately deceased, beg leave to ask attention to the narrative they have endeavored to prepare to the best of their ability, in the discharge of the sad duty confided to their friendship.

The various works which at times have been published upon California have been carefully examined by this

Committee in the discharge of its sad task, and the result has been attended with a sincere regret that, in respect to the deceased, as also in regard to many who have preceded him to regions beyond the tomb, scarcely a record of events in which they so actively participated can now be found.

The Committee have endeavored to obtain from parties now living, who crossed the plains at the same time as the deceased, and of those who participated in the events which induced the settlement of our people in this region, and led to its acquisition by our government, a knowledge of the incidents which would prove of interest to our fellow-members, and be worthy of record for the future compiler of the annals of our times; but those efforts, we say with regret, have been attended with trifling success.

The reliable details which are now presented, were principally furnished by the Hon. John Bidwell, Major Jacob R. Snyder, and Major A. H. Gillespie, gentlemen whose intimate social relations with the deceased have enabled them to bear witness to the noble impulses of character which marked his intercourse with his fellowmen.

The sad intelligence of the death of Major Reading, announced by telegraph, elicited from various journals published in this State, tributes of respect to his memory; all united in mentioning the noble qualities which in an eminent degree distinguished his mind and heart; and from those sources, in addition to the friendly remembrances of the gentlemen herein mentioned, may be compiled the story of his sojourn among us.

Pierson B. Reading was born in New Jersey, 26th of November, 1816, and died at his ranch, Buena Ventura, in Shasta County, on the 29th of May, 1868, aged fifty-one years and six months. For about a quarter of a century he had occupied a prominent position in California. In 1843, he crossed the plains in company with the late Sam'l J. Hensley, and some twenty-five others, and from that period was thoroughly identified with this region of the Continent. The route by which the party arrived is thus described by Hon. J. Bidwell:

"The road by which they had come, had never to my knowledge been visited or traversed by any save the most savage Indian tribes; namely, from Fort Boise, on Snake river, to the Sacramento valley via the upper Sacramento to Pitt river. The hostility as well as courage of those savages is well known; but I may refer to the conflicts with them of Fremont in 1846, of the lamented Captain Warner in 1849, and of Gen. Crook in 1867."

In 1844, Reading entered the service of Gen Sutter, and was at the Fort when Fremont first arrived in California, in the spring of that year. In 1845, he was left in sole charge, while Sutter marched with all his forces to assist Micheltorena in quelling the insurrection, headed by Castro and Alvarado. The former had shown his partiality for Americans by granting them lands, and this led to the espousal of his cause by our people. Reading, in 1846, had received a grant in what is now known as Shasta County. Later in 1845 he visited, on a hunting and trapping expedition, nearly all the northern part of California, the western part of Nevada, as also Southern Oregon. He afterwards extensively engaged in trapping —the seasons of 1845 and '46—on the lower Sacramento and San Joaquin rivers. In all these dangerous expeditions, his intelligence, bravery, and imposing personal appearance exercised over the hostile Indians a commanding influence, that protected himself and party not only from hostile attack, but also secured their friendly aid in all his undertakings.

When it became probable that war would be declared against Mexico, Reading enlisted under Fremont; and on the organization of the California Battalion by Col. Stockton, was appointed Paymaster, with the rank of Major, and served until the close of the war in this country. After its termination, Reading returned to his ranch in Shasta, which he made his permanent home.

In the events preceding and accompanying the acquisition of this territory, the knowledge and experience of Reading were of great advantage to the government; and that the flag of our Union instead of that of another nation now waves over it, is in a great measure due to those

early pioneers who entered California before the existence of gold in its soil was even surmised.

In 1848, Reading was among the first to visit the scene of Marshall's gold discovery—Coloma—and shortly after engaged extensively in prospecting for gold, making discoveries in Shasta, at the head waters of the Trinity, and prospecting that river until he became satisfied that the gold region extended to the Pacific Ocean. A portion of these explorations were made in company with Jacob R. Snyder. A large number of Indians were worked with great success, until all were disabled by sickness. In 1849, with Hensley and Snyder, Reading engaged extensively in commercial business in Sacramento, and continued in the firm until 1850.

In the fall of 1849, Major Reading fitted out an expedition to discover the bay into which he supposed the Trinity and Klamath rivers must empty. The bark Josephine, in which the party sailed, was driven by a storm far out of her course to the northwest of Vancouver's Island, and had to return. Others subsequently acting on the idea, discovered and called the bay after the world-renowned traveler Humboldt, by whose name it is now known.

In 1850, Major Reading visited Washington, to settle his accounts as paymaster of the California Battalion. The disbursement exceeded $166,000 and had been kept with such neatness and accuracy, supported by vouchers, that the Auditor complimented them as being the best of any presented during the war.

While in the States on this occasion, he visited his old home, Vicksburg, where in 1837, he had succumbed to the crisis which caused such wide-spread ruin among the merchants of the Southwest. His object was to pay in gold the principal and interest of his long outstanding and almost forgotten obligations. This he did to the extent of $60,000—an instance of commercial integrity of which our own State has reason to be proud.

In 1851, Major Reading was the candidate of the Whig party for Governor of California, which exalted position he failed to obtain only by a few votes. Since then he was

frequently invited to become a candidate for political positions, but declined.

For many years previous to his decease, agriculture, with a view of developing the interest of the State, occupied his attention. In 1856, Major Reading married in Washington, Miss Fanny Washington, who, with five children, is left to mourn the death of their beloved protector. The Committee having, to the best of their ability, presented all the incidents they could obtain regarding the life of their late friend and companion, now ask leave to present appropriate resolutions of respect for the consideration of the Society.

Whereas, it has pleased Divine Providence to terminate the earthly career of our friend and companion, Pierson B. Reading, by which event our Society has sustained an irreparable loss, and the State been deprived of one of its valuable citizens, who was deservedly regarded by our people as a man of the highest worth and severest rectitude of character. Be it

Resolved, That in the decease of Pierson B. Reading, frequently a chosen officer of our Society, we have sustained a bereavement, whose only consolation will be found in the remembrance of the noble traits of heart and mind, which marked his intercourse with his fellow men. Possessed of the most courteous manners; of enlarged views; and of a highly cultivated mind, united with probity of character, and the most dauntless bravery, he deserves that upon the tomb containing his ashes be inscribed the words that properly typify his life—Reading, The Pioneer.

Resolved, That the report of the Committee be published—that this preamble and resolution be engrossed, and a copy sent to the widow of our deceased friend and companion, over whose welfare and that of her children, we invoke the guardianship of our merciful Father.

PHILIP A. ROACH, LEWIS CUNNINGHAM,
JOSEPH W. WINANS, ARCH'D H. GILLESPIE,
JACOB R. SNYDER.

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Leland Stanford

LELAND STANFORD.

By W. E. Brown.

Leland Stanford, eighth Governor of California, and President of the Central Pacific Railroad Company, was born in the County of Albany, State of New York, March 9th, 1824. His ancestors were English. They settled in the valley of the Mohawk about the beginning of the last century, and for several generations were classed among the substantial and thrifty farmers of that region. His father, Josiah Stanford, was a prominent citizen of Albany County, where he lived for many years, cultivating and improving the old homestead farm, called Elm Grove, on the stage road between Albany and Schenectady. His family consisted of seven sons, of whom Leland, the subject of this sketch, was the fourth—and one daughter who died in her infancy. Being in the prime of his life at the time that De Witt Clinton had successfully urged upon the people of New York his great project of canal navigation between the Hudson river and the lakes, the mind of Mr. Stanford was keenly alive to the importance of the enterprise, and he watched with absorbing interest the completion, in 1825, of the extensive work. This was the beginning of that great system of internal improvements which has made the State of New York an empire within itself.

A little later the practicability of railroads as a means of expeditious transit was freely discussed, but not until 1829, when the success of steam locomotives upon the Liverpool and Manchester road was established, did any

project of the kind find much favor among business men in the United States. About this period a scheme was set on foot, and a charter obtained from the Legislature of New York, to build a railroad from Albany, to the old Dutch town of Schenectady. The project, at the outset, had but few friends among the farmers ; but Mr. Stanford satisfied in his own mind that the lands of Elm Grove and of all the valley would be doubled in value by the advent of the road, became one of its warmest advocates, and argued its advantages with all the vigor of which he was capable. The work was finally commenced, and Mr. Stanford, leaving the duties of the farm to be attended to by his elder sons, took large contracts for grading the line, and pushed them forward with characteristic rapidity and success.

During this time Leland was attending school near his father's farm, and doubtless watched, in the intervals of his lessons, the progress of the, to him, novel work which was being prosecuted in the neighborhood. He little dreamed in those youthful days, that his manhood would be devoted to a kindred enterprise, the magnitude of which would attract the attention of the civilized world. Confined in his boyhood's experience to the limits of his own county, the shores of the great lakes, but a few hundred miles away, were to him the distant West. The country between the Mississippi and the Rocky mountains, was looked upon as a vast unknown region, inhabited only by Indians, while the unexplored ranges and plains beyond seemed as inaccessible and as inhospitable as the frozen solitudes of Siberia. The Erie canal, which was then floating the products of the lake shore to the waters of the Hudson, had, in its infancy, been looked upon with distrust by some of the most sagacious business men of that period ; and yet, ere the boys of that day had matured into manhood, those distant and solitary plains had been explored, the ranges of mountains had been pierced and made to yield hundreds of millions of precious metals, and a new empire had been battled for, occupied and peopled, on the Pacific coast ; while the wants of commerce had demanded and secured railroad communication be-

tween the two oceans that make the Eastern and Western boundaries of the United States.

Until the age of twenty, Leland's time was divided between his studies and the occupations incident to a farm life. He then commenced the study of law, and in 1845, removed to the city of Albany, and entered the office of Wheaton, Doolittle & Hadley, prominent members of the legal profession in that city. Early in 1848, he determined to seek in the Western country a desirable location for the practice of law. He visited various localities in the vicinity of the lakes, and finally settled at Port Washington, in the State of Wisconsin. Here he remained for the period of four years, and while here, in 1850, was married to Miss Jane Lathrop, daughter of Dyer Lathrop, a merchant of Albany, whose family had been among the early settlers of that town. Soon after Leland's arrival at Port Washington the reported discoveries of fabulous mineral wealth in California were a constant theme of the newspapers in the West, and the eyes of half the young men in the land, of all trades and professions, were eagerly turned towards the alluring deposits of the Pacific slope. Five of his brothers had arrived upon the banks of the Sacramento, and were successfully engaged in mining and in trade. They, and hundreds of others of his friends, were anxious that Leland should join them; but he had selected a residence in the growing State of Wisconsin, and his temperament was not so sanguine as to cause him so soon to give up the comforts of a permanent home, which he was just beginning to enjoy.

It was not therefore until the Spring of 1852, that he came to the determination to push his fortunes in the new field to which so many of his friends had been attracted, and where so many of them had met with success. He arrived in California, July 12th, 1852, and at once proceeded to the interior, being determined to examine into, and to engage by himself in, practical mining. He tried a number of locations in various parts of the State, and at length settled at Michigan Bluff, on the American river in Placer County. With his mining interests at this point, and the mercantile house with which he was connected in

company with his brothers at Sacramento, he soon found himself possessed of a rapidly growing and lucrative business. He has never entirely relinquished his mining interests in California, although for some years they have received but a small share of his personal attention.

In the earlier years of his manhood, Mr. Stanford was, by instinct, by education, and by association, a Whig. While the great free soil movement was gathering strength in the land, he became strenuous in its advocacy and earnest in its support. He was among the few leading spirits who formed the Republican party in California, and by giving freely of his time and of his means, he made his influence felt in the campaign of 1856, when a gallant fight was made by that party, against fearful odds, in the Golden State. In Sacramento, the capital of the State, it was in those days considered an act of temerity to attend a free soil meeting, and speakers were hooted at, pelted, and driven from the stand, who dared to utter sentiments not in accordance with those held by the then dominant party. The State, from its organization, had been under the control of the Southern wing of the democracy, and it was up-hill work to establish a new political party, which if successful must result in the entire overthrow of the one in power. But the destinies of the great freedom-loving organization were in the hands of men who were undaunted by defeat. Without losing courage by the result of the National canvas of 1856, they determined to organize for the State election in 1857. At this time Mr. Stanford was the candidate of the Republican party for the office of State Treasurer, but the whole ticket was defeated. In 1859, he was nominated for Governor and again defeated. In 1861, the Republicans, confident of their strength, determined upon a vigorous canvass. Mr. Stanford was absent in Washington during the summer, but among the many names mentioned for the nomination, his was most prominent. Soon after his return, the Convention assembled at Sacramento, and upon the first ballot he received the nomination. The contest that followed was the most exciting one the State had yet seen. With two other candidates in the field, he ran nearly six thous-

and votes ahead of his ticket, and was elected by a popular vote nearly equal to that of his two opponents combined. The result was as follows, in a vote of 119,730 :

Stanford, Republican, received 56,036 ;

Conness, Douglas Democrat, received 30,944 ;

McConnell, Administration Democrat, received 32,750.

Having thus been called upon as a political candidate to traverse the State twice, without a hope of being elected, he was now rewarded, after a third most thorough and exhausting canvass, by a success undoubtedly beyond his expectations. In January, 1862, the Governor was inaugurated at Sacramento, and assumed the duties of his office at a critical period in State as well as national affairs. The country was in the midst of an internal war, the magnitude of which startled the people and paralyzed the various industries of the land. There had been few daring enough to predict its inception—none far-seeing enough to foretell how it would end. The mutterings of the impending conflict had been for a long time borne upon every breeze, and the shock of battle that followed the bursting storm was earnest and deadly. The election in California, the previous fall, had been watched with peculiar interest by both the contending parties. The Secessionists of the South were sanguine that the democracy could not be driven from the stronghold they had occupied so long ; while the loyal men of the North, hoping almost against hope itself, were earnest in their aspirations that California might declare herself on the side of justice and of right. Mr. Stanford had spent much time subsequent to Mr. Lincoln's inauguration at the national Capital, and had been cordially received as a leading and representative republican of the Pacific Coast. Among the few who visited the President without seeking office at his hands, he very soon won Mr. Lincoln's regard, and became his principal adviser in the difficult task of distributing the official patronage in California. His nomination to the office of Governor and his triumphant election, were hailed therefore with delight by all who were connected with the National Republican administration.

To the deplorable condition of the nation at the com-

mencement of the year 1862, was added a local calamity which devastated the fairest portions of California. A flood unexampled in its destructiveness was, on the very day of the inauguration of the new Governor, sweeping through the streets of Sacramento and hurrying its dread volume of waters over a territory hundreds of miles in extent. Lives were lost, houses were submerged, farms were destroyed, roads and bridges were carried away, till it seemed as if the very genius of disaster had taken within its baneful grasp the destinies of the State. The beautiful homes and gardens of the Capital city were desolated in a day. The Governor and the Legislature were obliged to go to and from the place of the inaugural ceremonies in boats. The latter immediately resolved upon a removal to San Francisco, and the Governor was obliged to transfer his office to the same place.

It was under adverse circumstances such as these, that the first Republican administration of California entered upon its career, with Governor Stanford at its head. He had, however, been long known throughout the State as a successful merchant and miner, and it was believed that he would exhibit in the management of public affairs the same sound sense he had brought to bear upon his private business. Nor were the people who elected him deceived in their choice. He gave his entire attention to the new duties that devolved upon him ; he maintained frequent and unreserved correspondence with the heads of all the Departments at Washington ; thus holding California in close and sympathetic relations with the central government. In this way, with the aid of a constituency actuated by the highest and noblest patriotism, the Governor had the proud satisfaction of seeing California occupy a front rank among the sisterhood of loyal States. At the close of his administration, the Legislature bestowed upon him the unusual compliment of a concurrent resolution, passed by a unanimous vote of all parties, in which it was "*Resolved* by the Assembly, the Senate concurring That the thanks of the people of California are merited, and are hereby tendered to Leland Stanford, for the able, upright, and faithful manner in which he has discharged

the duties of Governor of the State of California, for the past two years."

Among the most prominent events of Governor Stanford's administration, may be ranked the commencement of the great continental thoroughfare which connects the Pacific coast with the vast net-work of rail roads that bind together and cement in commercial bonds the Atlantic States. The construction of this important work had for years been a favorite scheme in the Governor's mind. He was convinced of the practicability of the enterprise, and it was his greatest desire that California should take the initiative steps to secure to the Nation the magnificent results of the noble work. The general idea of a railroad across the continent cannot be looked upon as original with any one person in the land. The project was the result of a national sentiment rather than of individual sagacity. Hundreds of persons had, during the previous twenty years, suggested as many different plans for a Pacific railroad; but nothing of a practical nature was ever consummated, because no united and persistent effort was brought to bear upon the project. From session to session, Congress had been beseiged by parties with visionary schemes that looked to national aid, and to that alone, to build the entire road; but not until 1861 and 1862 was any feasible and definite plan presented upon which to base legislative action. During these years, a few wealthy men of Sacramento, the capital of California, resolved to take the matter in hand, and to furnish all the money required to make the necessary preliminary survey. They were all men of first rate business capacity, who had been subject to the vicissitudes of mercantile life in California, who had witnessed its fires and floods, and who had finally realized comfortable fortunes for themselves and families. As business men, they examined into and considered this gigantic scheme from a business point of view; and being themselves satisfied of its ultimate success, they determined to show their confidence by risking their entire fortunes in the enterprise.

Leland Stanford, and his associates, Messrs. Crocker, Huntington, and Hopkins, thus enjoy the proud preëmi-

nence of being the first parties in the United States to give this project to the country, in a tangible shape. They employed at their own expense the best engineering talent that could be procured, to make surveys over the various passes of the Sierra Nevada mountains. This frowning range of snow-capped summits had been considered an insurmountable barrier to the passage of a locomotive. Its storms to the emigrant, like the cyclone to the mariner, were looked upon with unmitigated dread; and the winter winds that swept through its deep gorges, and whistled among its peaks, seemed laden with a bold defiance that forbade the encroachments of engineering skill. Reaching, upon its lowest pass, an elevation of seven thousand feet, within a distance of less than eighty miles, the idea of a locomotive, climbing hour after hour with heavy trains the steep ascent, could only be entertained by earnest, sanguine, and practical minds. The summit once attained, the descent upon the eastern slope was scarcely less difficult, to the desert plain beyond. Here was a large scope of barren country, without wood and almost without water, hundreds of miles in extent, with no population to welcome the approach of the iron track.

With difficulties of such a character staring them in the face, these Sacramentans, few in number, but mighty in faith, with Leland Stanford at their head, came to the determination to commence the work. A practical route had been found to and over the summit, with no grade exceeding one hundred and five feet to the mile. Frequent meetings of conference were held at the residences of Mr. Stanford and Mr. Huntington, and a bill was at length drafted by them which formed the basis of, and was in a great measure identical with, the Pacific Railroad Act, which finally passed through Congress, and under which nearly two thousand miles of railroad have since been constructed.

Much as these few energetic men had accomplished in the incipient stages of this great enterprise, they found that difficulties multiplied when they came to the practical workings of their project. No aid could be obtained from Congress, until forty miles of road and telegraph

were completed and in good working condition. To grade this forty miles, to bridge the wide and rapid American River, to purchase iron for the track, and rolling stock for its equipment, was no easy task to be accomplished by half a dozen citizens of a small inland city of California. They had unlimited faith, however, in the ultimate success of their undertaking, and were willing to pledge all they were worth to ensure its success. In 1861, a charter was obtained from the Legislature of California, under which a meeting of stockholders was at once held. Leland Stanford was elected President of the Corporation, and C. P. Huntington, Vice President; positions which they have both held from that time to the present. On the 22d day of February, 1863, Governor Stanford, in the presence of the State Legislature and of a large concourse of citizens, shovelled the first earth, and commenced the Pacific Railroad grade.* From that day, work upon the line has not been delayed for a single week. Obstacles of a serious character were constantly met, but were as speedily surmounted. The war for the preservation of the Union was at its height. The fate of the Nation was hanging in a balance which occasional successes, and occasional reverses, kept constantly swinging to and fro. The national finances were disarranged, the national credit was at a low ebb, and capitalists throughout the country were exceedingly distrustful of untried schemes. Rival enterprises, or those that were considered rival, met the projectors of this national work in the money markets to which they applied, and sought to neutralize their efforts to obtain capital by misrepresenting their intentions, and by discrediting their integrity.

Toll roads over the Sierras, the owners of which the Washoe traffic had converted into millionaires, were arrayed against the new and more expeditious route, which would, when completed, destroy the profits of the old ones. Strange as it may appear, in a State the very existence of which would seem to depend upon a Pacific Railway, a

*In his address, upon this occasion, Governor Stanford predicted that the Pacific Railroad would be completed in 1870. The result has more than verified his prediction.

violent, unscrupulous, and unyielding anti-railroad cabal was evolved from the various opposing interests that were at this time in the full tide of success. Large amounts of money were raised to litigate the Central Pacific Company at every stage of their progress, and to follow them with annoying law suits from court to court. These embarrassments only seemed to increase the ardor of those who had determined to push the work. The vice-president of the company, Mr. Huntington, established himself in New York, as the financial and purchasing agent of the enterprise, and was early recognized as one of the most prominent and successful financiers of that great moneyed centre. The amount of iron, rolling stock, and material necessary to be purchased, and to be kept constantly on the way, was immense; but although it had to traverse more than half the length of two oceans, the calculations of its departure from New York and of its arrival at the wharves of Sacramento, were careful and exact, and the supply never failed to be at hand when wanted upon the road.

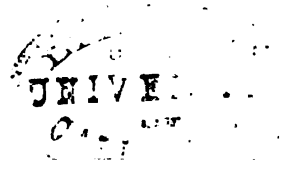
While the public were apathetic, or at best indifferent, the managers of the work at the California end were active and on the alert. Always keeping within the requirements of the Act of Congress, as to grades and curves, and as to the general character of the work, they nevertheless found at the termination of each year a greater amount of roadway completed than was stipulated by government. On the 25th day of November, 1867, the Summit tunnel was opened, and work was in a good state of progress upon a dozen other tunnels between that point and the Truckee river. Meanwhile, a sufficient quantity of iron, locomotives and cars, for more than forty miles of road, had actually been hauled by teams over a portion of the mountains, so that in the spring of 1868, the Central Pacific Company were enabled to lay track from the East and from the West, until a connection was made near the Summit on the 17th of June of that year. When, a year or two previous, the laying of a mile of track per day was promised, railroad men in all parts of the world wondered at the extravagant proposition; yet

two and three miles became an ordinary day's work during 1868 and 1869, and upon one occasion a distance of ten and a quarter miles of track were laid in one day between dawn and dark. Thus the great work progressed without cessation, and at a rate of progress that, in its earlier days, would have been counted as marvelous. Early in 1869 the through line was completed, and a connection made with the Union Pacific road.

We have dwelt upon this great enterprise in connection with our sketch of Governor Stanford, because he has been identified with it from its earliest inception to the present time. Elected from the first as its highest executive officer, he has attended faithfully to its interests, and has given to the project some of the best years of his life. Now that the work is accomplished, he is directing his attention to similar enterprises of less magnitude perhaps, but still important in the development of the resources of his adopted State.

Governor Stanford, in his public and private life, may truly be regarded as one of California's representative men. Arriving upon these shores at an early period, with but moderate means at his command, he at once assumed a prominent position among the merchants and business men of the new State. Without those brilliant attainments which are sometimes the result of a thorough collegiate education, he has at his command a generous fund of useful knowledge; and he has rarely been at fault in his judgement of others, or in his estimate of important measures, whether connected with his official, or his business career. Never backward in asserting his principles, he is yet willing to defer to the opinions of others; and in his intercourse with men, his object seems to be to gain information upon all points at issue.

Physically, he is larger than the average of men. Having been inured to labor in the open air in his boyhood, and having avoided, during his whole life, excesses of all kinds, he is at the present time capable of bearing an amount of bodily fatigue, and of travel without rest, that few men could endure. With a retentive memory for facts and details, a keen perception of affairs, and



quick reasoning powers, he yet arrives at conclusions by patient mental labor. Not easily excited, nor over sanguine in temperament, he readily grasps large schemes, and usually works out his plans to a successful consummation. His favorite theory in judging of others is, that all men are possessed of good qualities, and that our estimate of individuals whom we do not thoroughly know, is generally below the standard which their merits deserve. In consequence of his firm belief in this theory, he is charitable towards the faults of others—never harboring revengeful feelings, and never indulging in long-time resentments. In considering matters relating exclusively to business, he is reticent to a degree; but he is at all times a conscientious and willing listener. Where some men strive by labored argument to convince, he strives to convince by the ceaseless assiduity with which he labors to accomplish results. In social life, he is unreserved in his conversation, earnest in his hospitality, warm in his friendship, and cordial in his intercourse with all.

JOHN BIGLER.

By the Editor.

John Bigler, who was so prominent and active in the early settlement and development of California, and who has played so conspicuous a part in the political history of the State, was born near Carlisle, Pennsylvania, the seat of Dickinson College, January 8th, 1805.

He is of German descent. The family has been established in America for more than a century. Both the paternal and maternal grandfather of John Bigler fought under Gen. Morgan in the Revolutionary war. His father was a farmer: for many years he was engaged in the milling business in Cumberland and Perry counties, Pennsylvania. During the noted "Whisky Rebellion" in the western part of that State, 1791, 1794, he was a private soldier under Gen. Washington.

John was the eldest of five sons. The Pennsylvania statesman, William Bigler, is a younger brother. John entered college at Carlisle; but soon after he commenced his studies, his father removed to Mercer county, north of Pittsburg, and placed him in a printer's office in that city, where, for a few years, he applied himself to "the art preservative of all arts." After the expiration of his apprenticeship, in 1827, he removed to Bellefonte, Centre county, and took editorial charge of the *Centre County Democrat*. He continued the editing as well as the publishing of this journal from 1827 until 1832. In 1828, though but a youth, he advocated with zeal and efficiency the election of Gen. Jackson, for whom his county gave a majority of more than sixteen hundred votes. He then commenced the study of law, which he pursued until

dollars per hour. By such laborious pursuits as these he maintained himself and family in comparative comfort. Nor was he less esteemed by his neighbors, because of his honest toil. The pioneers, nearly all of them, were engaged in actual physical labor, without regard to former associations or professional pursuits. *Labor* was their acknowledged king.

The time had now arrived when our subject was to abandon his humble occupations. About the middle of October, 1849, he was notified by Mr. Charles Sackett, on behalf of the citizens, that he had been nominated at a public meeting as a candidate for the Assembly. The Sacramento legislative district then extended from the Cosumnes river to the Oregon line, and from the Coast Range to the line then dividing California and Utah. This district was then entitled to four senators and nine assemblymen. The election was a general one, and took place November 13th, 1849.

The candidates for Governor were Peter H. Burnett, afterwards Supreme Judge of the State, and now President of the Pacific Bank, San Francisco; John W. Geary, the late distinguished Governor of Pennslyvania; Gen. John A. Sutter, and others. The first named gentleman received a large majority of the votes cast. John McDougal was elected Lieutenant Governor, and Geo. W. Wright and Edward Gilbert were chosen members of Congress. In the Sacramento legislative district, John Bidwell, Thomas J. Green, Henry E. Robinson, and Elisha Crosby, were elected senators, and Dr. T. J. White, Elisha W. McKinstry, (the present able County Judge of San Francisco) George B. Tingley, John Bigler, P. B. Cornwall, John F. Williams, E. Cardwell, T. J. Hughes, and Madison Walthall, assemblymen.

Before the Legislature assembled, the rainy season set in, and Sacramento was almost deluged. The citizens at that early day were very poorly sheltered from the wintry weather. Much suffering was the consequence. Mr. Bigler and family were compelled to endure trials and privations which it had never been their misfortune to meet before, even on the uninhabited desert wastes where

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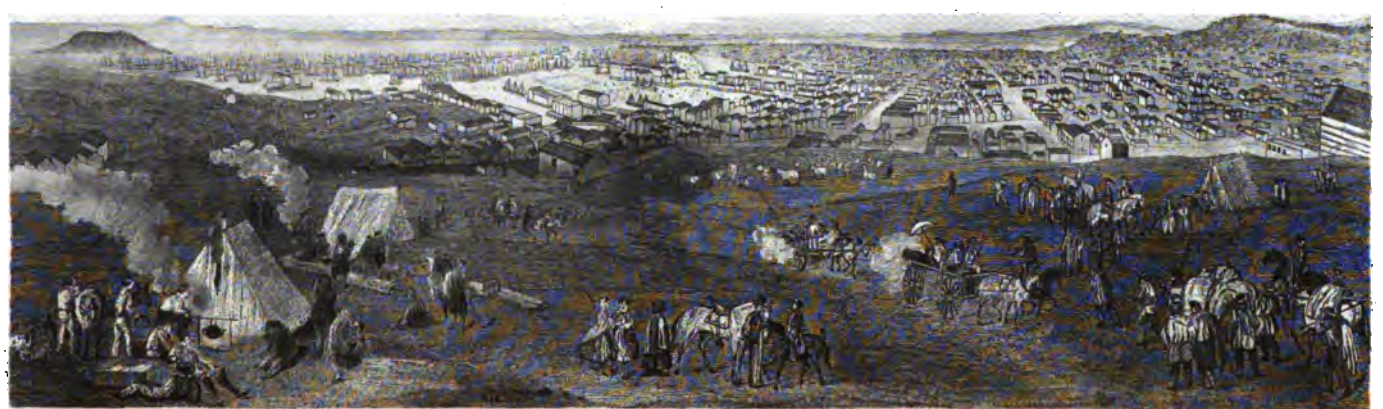

they had so often encamped. The roof of their cloth tenement admitted the rain. It was necessary to suspend an umbrella over their heads at night, in order to turn aside the rain from their faces. Every morning, for more than two weeks, the floor of their tent was flooded. Every morning, for that length of time, their little cooking stove was taken out and emptied of its liquid contents. Their bedstead was four forked sticks, driven into the ground, with two round willow poles forming the railing; short poles, extended crosswise, served as bedcords.

The first State Legislature convened at the capital, San José, on December 15th, 1849, to complete the organization of the State government. On December 12th, Mr. Bigler left Sacramento with his family for San José on a propeller, the steamer *McKim*. Arriving at San Francisco at night, in the midst of a tempest, they could not land till morning, when they were put into small boats and taken ashore at a point on Clay street, between Montgomery and Sansome—the waters of the bay reaching to that point at that time.

The streets of the metropolis were almost impassable. Mr. Bigler had to wander for several hours in search of lodgings. Finally, in a despairing mood, he applied to the keeper of a restaurant, James Hagan, who allowed the little party to occupy an upper room, unfurnished, except with an old straw mattrass. The Governor asserts that never, in his life, was he more grateful for a favor than for the privilege of occupying this humble apartment. He afterwards remembered the circumstance to his benefactor's advantage, by inducing Gov. Burnett to bestow upon Hagan a lucrative office.

The next day, he took passage on the *Mint*, a little steamer bound for the "Embarcadero," five or six miles from San José. He soon found himself and family in the midst of unexpected peril, more fearful than any that had ever before encompassed them. About three hours after the frail craft had commenced her voyage, she was overtaken by a terrific storm. The captain, engineer and crew, being inexperienced, became panic-stricken and abandoned their posts. Their conduct added to the con-

sternation of the passengers, most of whom were motionless with terror. On board of the threatened boat were a majority of the senators elect, ten or twelve assemblymen, and the Lieutenant Governor. Commander Selim Woodworth, a senator elect, was among the passengers. This gentleman, upon witnessing the pusillanimous conduct of the officers and crew, rushed to the wheel and ordered the engineer and fireman to resume their places. He stated to a friend standing near him, that there was room for hope unless the boat overturned in changing her course. In turning, the vessel shipped water, which flooded her cabin to the depth of ten or twelve inches. But the new captain's noble purpose was effected, and the prow of the *Mint* headed for San Francisco, where her passengers were soon landed. Most of them refused to take passage again upon the insecure vessel, and went overland to the capital; but Mr. Bigler had no choice—he had paid his fare, and for want of funds was compelled to run the chances of shipwreck. Fortunately, however, the next day beamed clear and bright; the broad, beautiful bay was in perfect repose; and the voyage was made without the recurrence of a single unpleasant incident.

The first Legislature of the State of California convened at San José, December 16th, 1849. The Lieutenant Governor elect, Hon. John McDougal, took the chair as President of the Senate, and Dr. Thos. J. White of Sacramento was chosen Speaker of the Assembly. On the 20th day of December, 1849, Peter H. Burnett was inaugurated first Governor of California. On the same day two United States Senators were elected—John C. Fremont on the first, and Wm. M. Gwin on the third ballot. December 22d, in joint convention of the two houses, Richard Roman was elected State Treasurer, John S. Houston, Comptroller, E. J. C. Kewen, Attorney General, Charles J. Whiting, Surveyor General, S. C. Hastings, Chief Justice of the Supreme Court, and Henry A. Lyons and Nathaniel Bennett, Associate Justices. This being accomplished, the late Edmund Randolph and John Bigler were appointed a committee, on the part of the assembly, to wait on the Provisional Governor, Gen.

Riley, and inform him "that a State government, republican in form, had been fully organized for California; and that the representatives of the people would be pleased to hear and respectfully consider any and all suggestions which he might believe himself authorized to make."

The committee waited upon Gen. Riley and made their address. The General's reply was brief and significant. He trusted that the committee were as happy in being the chosen agents of the new State, as he was in being relieved from all cares and responsibilities connected therewith. The committee then interrogated Gen. Riley as to the "Civil Fund," and his willingness to pay into the State treasury the funds collected by officers of the United States army and navy on importations, without authority of law—an amount sufficient to defray the expenses of the new government until a revenue system could be matured, and the collection of government dues commenced in pursuance thereof. The prompt reply was, that, instead of acceding to the request of the committee, the Provisional Governor would pay every cent of the so-called Civil Fund into the *national treasury*. This response was as unexpected as it was unwelcome. Gen. Riley had previously paid the expenses of the Constitutional Convention, in full, out of the "Civil Fund."

Messrs. Randolph and Bigler, on behalf of the Assembly, claimed that this action of the General left his refusal to pay the balance of the "Civil Fund" into the State treasury without plausible excuse. Moreover, the members of the Constitutional Convention, before proceeding to the work of framing a State Constitution, had received assurances that the remainder of the funds, collected as stated, would be paid into the State treasury as soon as the State government was fully organized and that fact officially reported. It is not now definitely known whether or not Gen. Riley had promised directly to pay over the "Fund" to the State. It *is* certain, however, that prominent members of the Constitutional Convention informed the State authorities elect, that the General *had assured them* that he would do so. It is very

probable that Gen. Riley's action was based upon advices received by him from the authorities at Washington. However, he refused to pay over to the State the "Civil Fund," as expected, and his refusal left the new government in a very embarrassing and awkward plight. An empty treasury rendered immediate action necessary on the part of the Legislature.

Rashness and thoughtlessness have been attributed to the pioneers, in forming a State government without having first provided means for meeting, in part, accruing expenses; and their conduct has been imputed to the influence of ambitious men who looked to a State government for preferment and fortune. These charges are unjust. The necessities of the time *forced* the pioneers to take the action they did. Gov. Bigler publicly stated, in the address alluded to, that *he knew the belief was general* that the "Civil Fund"—over *one million three hundred thousand dollars*—would be passed to the State authorities; and that this belief induced hundreds to favor State organization who would otherwise have opposed it.

In addition to this, the course pursued by the pioneers finds vindication in the failure of Congress to establish a Territorial government for California—many believing that without a State government, anarchy would ensue. The Provisional government had been found inadequate. The people of the southern part of the State, as well as those of Napa, Sonoma, and Solano, regarded the movement to frame a State constitution as premature; and the vote upon the question must have been very close in the Constitutional Convention, but for the assurances before stated in regard to the "Civil Fund."

To provide means to sustain the State government, the Legislature, in its unpleasant and trying position, determined to authorize the issuance of bonds, bearing *three per cent. per month interest.* Mr. Bigler, while he freely admitted that the plan adopted by the Legislature was not without justification, yet warmly opposed it, believing its consequences would prove disastrous.

On the 10th day of January, 1850, Mr. Bigler was chosen speaker *pro tem.* of the Assembly; and on the 6th

day of February following, he was unanimously elected Speaker, Dr. White having resigned that position.

In the first Legislature, nearly every State in the Union was represented. Judge De La Guerra and Gen. Vallejo were the native Californian members. In this body, no senator or assemblymen possessed a white shirt or a fur hat; all wore "flop" hats and "hickory" shirts, as they were termed. An English artist took crayon sketches of all the members of both houses. They were creditable likenesses, and were seen a few years ago in one of the principal museums of London.

In January, 1850, Mr. Bigler introduced and procured the passage by the Legislature of joint resolutions favoring the construction of the Pacific Railroad. These resolutions are here inserted, as matter of historic interest. They read as follows:

"JOINT RESOLUTIONS *in relation to a National Railroad from the Pacific Ocean to the Mississippi River.*

"1st. *Be it resolved* by the Senate and Assembly of the State of California, that our senators in Congress be instructed, and our representatives requested, to urge upon Congress the importance of authorizing, as soon as practicable, the construction of a National Railroad from the Pacific Ocean to the Mississippi River.

"2d. *Resolved*, That they be further instructed to urge upon the national government, with a view to facilitate the great work contemplated in the first resolution, the immediate organization of an efficient engineer corps, to make complete surveys and explorations of the several routes which have been recommended to public notice as practicable for the line of said road.

"3d. *Resolved*, That his Excellency the Governor be requested to forward to each of our senators and representatives in Congress a certified copy of the foregoing joint resolutions.

JOHN BIGLER,
Speaker of the Assembly.
JOHN MCDOUGAL,
President of the Senate.

San José, March 11th, 1850."

Statutes of California, 1st session, (1850) page 465.

During this session of the Legislature, Mr. Bigler also gave his earnest advocacy to the Homestead law.

The first Legislature was popularly known as the "*Legislature of a Thousand Drinks*"; and before this body of faithful, hard-working old pioneers is dismissed from notice, the origin of the merry appellative will be explained. There is an incorrect popular notion that this title was appropriate to the character and habits of the legislators. Gen. Green, a senator from Sacramento, who had rented a room adjoining the Senate chamber, before the latter had been set apart for the use of the State, was in the habit, after the daily adjournment of the two houses, of inviting his friends to his apartment to partake of choice old Bourbon, of which he had a supply. This invitation was uniformly given in a loud and happy tone of voice, and invariably in these liberal words: "*Walk in, gentlemen! walk in! and take a thousand drinks!*" The genial, generous senator could not have foreseen that, in coming years, his thoughtless words would be quoted to the disparagement of his sober colleagues.

In the fall of 1850, Mr. Bigler was a second time elected a member of the Assembly—this time representing Sacramento county, the first legislature having divided the State into counties. Upon the meeting of the Legislature in January, 1851, he was again chosen Speaker of the Assembly.

In the following summer, he received the Democratic nomination for the office of Governor, to which, in the succeeding fall, he was elected by the people; his competitor being the late Major Pierson B. Reading, the Whig candidate.

In January, 1852, Mr. Bigler entered upon his gubernatorial duties, and served out his term of two years. In the fall of 1853, he was again elected Governor by the Democracy, and served out his second term of two years from January 1st, 1854.

In the fall of 1855, he was, for the third time, the chosen standard-bearer of his party for the high office which he had held for nearly four years. This time, he met his first political defeat—together with the entire

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Plenipotentiary to the Republic of Chile. This was the first compliment of the kind ever paid to a citizen of the United States on the Pacific coast; though Gen. Pierce had, before the close of his term of office, tendered to Gov. Bigler, first, the mission to Portugal, and afterwards that to Sweden and Norway, both of which he declined. His appointment as minister to Chile was confirmed by the Senate, and he soon left California for Washington, whence shortly after he departed with his family upon his mission. He continued to discharge the duties of this position throughout the full term of President Buchanan's administration. While minister to Chile, he settled the celebrated "Macedonian Claim" against that country, which had been pending ever since its first presentation by Commodore Porter, in 1820.

He also settled the case of the whaler *Franklin*, which had been the subject of unpleasant dispute for more than twenty years; and adjusted the murder case of Horatio Gates Jones, one of the most important and perplexing ever acted upon by an American minister.

During his ministerial career, he was influential in obtaining a test of American and British locomotives on the Chile railroads, which resulted in the complete triumph of American mechanical skill and the superiority of American locomotives.

In 1861, upon the arrival of Mr. Lincoln's appointee to the Chile mission, Gov. Bigler returned to California. He found his party in a decided minority, and struggling to maintain its organization. In 1862, he accepted a nomination for Congress. The Second Congressional District, which embraces Sacramento county, was overwhelmingly Republican. The Democratic candidate and his friends had no expectations of success. He made the canvass solely to aid in keeping the party organization intact. Of course, his defeat followed.

Since his return from Chile, Gov. Bigler has been engaged in the practice of law in Sacramento, where he has held a homestead for twenty years. A part of this time he was a member of the law-firm of Coffroth, Bigler & Spaulding. Since 1862, he has not been before the

people as a candidate for office: he has, however, been conspicuous in State conventions, and was a delegate from California to the national conventions which nominated Geo. B. McClellan and Horatio Seymour for the Presidency.

In October, 1867, Gov. Bigler was appointed by President Johnson one of the commissioners to examine and pass upon the work of the Central Pacific Railroad Company, his associates being Hon. Thomas J. Henley and Frank Denver. No happier selection could have been made than that of John Bigler. Ever since he pushed his weary way across the cheerless prairies that stretch between the Sacramento and Missouri rivers, he has felt the necessity and urged the construction of the great continental highway. When a representative of the people, early in 1850, as already shown, he commenced the clear and satisfactory record he has made for himself upon this great question, so long a matter of deep anxiety to Californians. During his visit to the East in 1856, while a witness and an actor in a mighty political contest, he was ever zealous in his efforts to remove any objection urged against the feasibility of the construction of the Pacific Railroad. In the *Daily Pennsylvanian*, a Philadelphia newspaper, of November 20th, 1856, appeared the following:

"In his recent visit to our State, Gov. Bigler everywhere, in public speeches and in private conversations, expressed the opinion that, in the construction of this great work, no greater difficulties would have to be encountered than were so successfully overcome in the construction of the Pennsylvania Central Railroad. No one more fully appreciates the immense advantages that would result from its completion than Gov. John Bigler. From its inception to the present hour, he has been an unfaltering advocate of this gigantic enterprise."

The great undertaking has at last been consummated, and a considerable portion of it under Gov. Bigler's immediate supervision. California, in the nineteenth year of her sovereignty, has been linked to the older States with iron bonds by the hand of skilled labor, and in this

union the dream of our pioneers has been fulfilled and the hopes of our people realized!

During his long residence at Sacramento, Gov. Bigler has been a witness of all the many trying ordeals through which that afflicted but enterprising city has passed. He has seen the mountain torrents, leaping from a hundred sources, unite their raging waters, and expanding into the strength and volume of an ocean, sweep with resistless energy over and around her; he has seen the fire-king again and again envelop her habitations in his consuming arms; he has repeatedly exposed his life in the performance of noble deeds, when plague and pestilence made her hearthstones desolate.

When the Asiatic cholera appeared in Sacramento, in the fall of 1850, Gov. Bigler immediately devoted himself to unremitting efforts for relieving the sick and burying the dead. The 28th of October was a day of sadness and terror; the deaths by cholera on that day numbered *ninety*. The alarm was so great that a sufficient force to dig graves and give burial to the victims could not be obtained. On the afternoon of that day, Gov. Bigler remained at the city cemetery until dark. The last three bodies interred were consigned to the grave by Gov. Bigler and an assistant, to accomplish which the Governor was compelled to get down into the earth and arrange the coffins in their narrow home.

The account of Dr. Morse, (now a leading physician of San Francisco) which was copied in the *Illustrated History of Sacramento*, pays this just tribute to the man whose daring and kindness of heart attracted the attention and gratitude of his fellow-men:

"We will mention one name, our motive for which will be readily acknowledged more as the extortion of truth than the result of partisan partiality. That name is John Bigler, the present Governor of California. This man, with strong impulses of sympathy, could be seen in every refuge of distress that concealed the miseries of the dying and the destitute. With a lump of gum-camphor as large as a moderate-sized inkstand, now in his pocket and anon at his nostrils, he braved every scene

of danger that was presented, and with his own hands administered relief to his suffering and uncared-for fellow-beings."

Where is the man—the political opponent, even—who would not eagerly follow the writer, did he allow his pen to dwell in glowing eulogy upon this bright chapter in the life of John Bigler?

It will be seen that, during the best part of his life, Gov. Bigler has been actively engaged in the discharge of public duties. He is strictly a party man. He has the credit of being a very shrewd politician and a keen judge of men. To the fortunes of his party he has ever adhered with unfailing devotion. In the vigor of discipline and the flush of triumph, he has led its columns to new achievements and attainment of great ends; and when misfortune overtook and disaster appalled, he has rallied its scattered legions and dauntlessly flaunted its banner in the face of the foe.

And the party to which he has so steadfastly clung, has ever delighted to do him honor. Twice a member of the Assembly; twice Speaker of that body; twice Governor of the State; a third time a candidate for that office; for four years United States Minister to Chile; again the candidate of his party for Congress; three times an accredited delegate to the National Democratic Convention; he can feel, in the sunset of his natural and political life, that his party has not been unmindful of his labors in its cause. That party yet proudly points to the consistency of his public life, and the qualities which adorn his character as a man.

Gov. Bigler has always been the acknowledged friend of the poor and laboring classes. He has uniformly striven to elevate them, and ameliorate their condition. His entire public life has been signalized by patient fidelity to their interests and claims. He has not forgotten the past, with its solemn teachings. He is proud of labor, proud of the masses who live by labor, and proud that he himself has been compelled to labor.

Not success, not wealth, not rich estates, not grandeur, nor fame, nor the applause of the world, could make him

forget the humble walks he trod in youth. As was said of "nature's sternest painter, yet the best," "the amenities of the refined society which he enjoys in mature manhood never occupy his imagination so much as the reminiscences of struggle, suffering, passion and disaster with which his youth was familiar."

UNIVERSITY
OF

E. W. Baker

EDWARD DICKINSON BAKER.

By Hon. Edward Stanly.*

Edward Dickinson Baker was born in London, in 1811. His parents emigrated to the United States, and came to Philadelphia in 1816. They were highly respectable persons, of energy, good sense, and accomplished education. Upon the arrival of his parents in Philadelphia they taught school for a few years, successfully, at a time when that city was probably the most renowned of any in the Union for the excellence of its institutions of learning, and the ability of its distinguished citizens. His early lessons of religion were interwoven by his excellent parents with classical lore, and his taste bent to the purest models, and his precocious genius gratified in its thirst for books. His father had heard and read of our great government, founded by Washington and his compatriots, and regarded it as the noblest work of human wisdom and virtue, the most munificent spectacle of human happiness ever presented to the vision of man. The old man had seen sparks of irrepressible genius in his darling boy, and sought a theatre, upon which, without resting ingloriously under the shadow of a titled name, without "the boast of heraldry," his son could make his mark upon the page of history. To the enduring honor of the old man, be it remembered, that notwithstanding his devotion to learning, he taught his children that labor was honorable; and for awhile our lamented hero worked at the trade of a cabinet-maker. But though to work as St. Paul did with his own hands

* For explanatory note, see Preface.

is honorable among all men, yet the Almighty has given men different gifts. Baker's genius could not be cramped by the persistent continuance of an occupation in which he could attain the highest excellence in a few years. To chain such a mind as he had to any such occupation, would be as idle as to attempt to persuade the bird of Jove to quit towering "in his pride of place," and soaring aloft above the clouds, and adopt the habits of our useful domestic fowls. It could not be. It was the "Divinity that stirred within him," and whispered that he was born to illustrate great principles by his mental efforts, and to die gloriously, as he did die, in the noblest struggle that ever animated the soul of a patriot-hero.

I can imagine that sensible father holding the hand of his hope and joy as he walked through the streets of the patriotic Quaker city. Here he showed him the house where Washington dwelt, and the church in which the august father of his country knelt in worship before the Lord of lords and King of kings. Here he visited Independence Hall. Here he took him to the grave of Franklin, and in answer to the inquiries of childish curiosity, he would say: "Washington, my son, was a great and good man, honored by the brave and good throughout the civilized world; he served his country faithfully through a long and bloody war, and founded here, amid unexampled difficulties, a great and glorious Union, whose laws insure protection to the honest foreigner and welcome him to an equal participation in its rewards and honors. He earned the title, nobler far than that of King or Emperor—the Father of his Country. Study his precepts and venerate his character. Benjamin Franklin was poor in early life, worked with his own hands, and by industry became one of the most distinguished men on earth. Roger Sherman was a shoemaker, but honest and industrious, and was honored by his fellow citizens and earned immortality. He, like Washington and Franklin, was a signer of the Declaration of Independence. These illustrious men, with their patriotic brethren from the ice-bound region of the distant North, and the sunny clime of the South, pledged their lives, fortunes and sacred

honor to the achievement of Independence. Remember their example—be true to that country which they honored, which honored them, and may honor you, if you will. This immortal struggle was one in which patriots of all the States participated. At the battle of Germantown, Nash, from North Carolina, that State the first to declare her Independence, (then peopled by thousands, as now by tens of thousands, of good men and true,) here fell a martyr in the cause of Freedom. On the other side of this majestic river—the Delaware, which Washington crossed, disregarding the terrible inclemencies of a northern winter—on the other side, is the State of New Jersey, every foot of whose soil is a soldier's sepulchre. There Mercer of Virginia fell, another martyr to Freedom's cause. Be true to the memory of these men. You are not by birth, but by choice can be, a fellow-citizen of this heaven-blessed Union. The prayers and hopes of your father and mother are that you will prove true to this, now your country, to its institutions, to the cause of Freedom."

This early teaching made a deep and lasting impression on the heart and mind of the patriot-soldier. These early lessons seem ever to have been the pillar of fire that guided his course in his public career. When Col. Baker was still a boy, his father died in Philadelphia. In 1828 he left that city, and seeking a home in the great West, he went to Carrolton, Illinois, where he borrowed books and commenced the study of the law. May I say, without intruding in the holy precincts of family sorrow, he went attended by a mother's prayers and counsels. That mother still survives, at the advanced age of 82 years, (1861). She is as remarkable now for the sprightliness and vigor of her intellect, as she was in earlier life for her accomplishments and rare endowments. Venerable woman!

> **While you reverse our nature's kindlier doom,**
> **Pour forth a mother's sorrow on his tomb.**

Millions of patriot hearts sympathise in your sorrow. Look for comfort to Him who alone can give it—who

"doeth all things well." May this calamity, while it "loosens another one of the bonds that bind you to the earth, divest the common fate of one more of its terrors, and create through the hope of re-union another aspiration for a better life beyond the grave."

In 1832 he was a Major in what is known as the Black Hawk war.

By the diligent exertion of his extraordinary abilities, he soon attained a high rank in his profession—and this is no slight praise, for there were "giants in the land in those days." Hardin, Douglas, Lincoln and Logan were his rivals and friends, and acknowledged his prowess. For ten years consecutively he was a member of the Legislature of the State of Illinois. In December, 1845, he entered the House of Representative from the Springfield District in Illinois, a member of the 29th Congress. During this Congress, war existed with Mexico, and Baker left his place in the House, went to Illinois and raised the 4th Regiment organized in that State. He went with his regiment to the deadly banks of the Rio Grande, and entered the command of Gen. Taylor. In December, 1846, he returned from Mexico on urgent public business, and in the House of Representative, delivered a speech remarkable for its force and intense patriotic feeling, which subdued partizan opposition and produced the fruits he desired, of additional appropriation for the comfort of the soldiers in the field. After this visit to the seat of Government he resigned his seat in Congress and returned immediately to Mexico. His regiment was ordered to Vera Cruz, where he participated in the capture of the Castle of San Juàn de Ulloa. Very soon afterwards he was at the battle of Cerro Gordo, where the gallant Gen. Shields was wounded severely, and Baker, having charge of the attacking column, took the command. History has told us the story of the good conduct of the Colonel who commanded the 4th Illinois Regiment, in that terrible but glorious day. After the war was ended, he returned to Illinois, and was honored by that State with a sword, in grateful recognition of his valuable services.

In 1849, while a resident of what was called the Sangamon or Springfield District, he was urged by his party friends to come to the Galena District, then strongly, and to any other person but Baker, overwhelmingly Democratic. If any other man had attempted such an enterprise, he would have been regarded as a Don Quixote. But he was always self-reliant. He had, if not all the ambition, the courage and genius of Julius Cæsar. He commenced there to advocate those principles to which through his life he had been attached, with unfaltering devotion. He went with the sling of Freedom and the pebble of Truth, and the giant Democracy fell before him. He served in the 31st Congress as a member from the Galena District. He was not a candidate again, and his voice not being heard, the Galena District was again decidedly Democratic.

In 1851, his fervid spirit, always seeking some difficult and hazardous exploit, induced him to embark in the enterprize of superintending the construction of the Panama Railroad. Here he managed a large body of men, and here he was revelling in the belief that he was opening a way to a land of wines and fig-trees, of pomegranates, a land of oil, olive and honey—opening the road for his countrymen in all parts of the Union, to a land forever consecrated to freedom. In that pestiferous climate, in "those poisonous fields with rank luxuriance crowned," under

> Those blazing suns that dart a downward ray,
> And fiercely shed intolerable day,

he was comforting his soul with the assurance that he was removing obstructions from the paths of free labor, that here, on this our blessed shore, it might have its proudest resting-place. Nothing but a strong constitution strengthened by the most exemplary temperance, a "frame of adamant, a soul of fire," and an indomitable will sustained him under the effects of the Panama fever, which troubled him for several years.

In June, 1852, he arrived in California. Here he soon attained a high rank in the profession of the law. Many

pages of this volume might be filled in recounting his many triumphs among eminent men at the bar. The country well knows how pre-eminently great he was in cases of life and death—how irresistible he was, when he entranced juries by the magic of his eloquence, and deprived men of their reason as he overwhelmed them in admiration of his transcendent genius. By universal consent he was regarded as having no rival in this branch of his profession. It would be a grateful task to me, and a most agreeable one, to dwell upon the beauties of many of his published speeches. Who but Baker could draw such houses in old Music Hall, as Webster alone could summon in Faneuil Hall? Who could call alike the student and the mechanic to hear him discourse on the advantages of free labor and the duty of government to protect and encourage it? Who could dim the eye of beauty with a tear of sympathy and soften the heart of the miser in one and the same effort, while he pleaded the cause of benevolence and heavenly charity? Who like him could call the miner from digging gold, the farmer from his plow, the man of business from his work, while he talked as one inspired of the thousand blessings of our Union, and the greatness that awaited us in the future? To those who have thus heard him, how "stale, flat and unprofitable" must be the effort of any other! How often, when we have thus heard him, with a heart overflowing with patriotism, and an eye of fire, when he spoke of the inestimable value of our Constitution and Union, of our mission among the nations of the earth, when he seemed to "stoop to touch the loftiest thought" which other men would toil laboriously to reach, have we thought he appeared to be the very personification of the apostrophe of the great poet of nature to man: "How noble in reason, how infinite in faculties; in form and moving, how express and admirable; in apprehension, how like a god!"

He remained in California until February, 1860. Then he attempted and achieved what no other man but E. D. Baker could have performed. He had for years scattered the seeds which he saw had at last promised to bring

forth good fruit in California, when he determined to perform in Oregon, upon a larger scale, what he had done in Illinois. Many who heard of his intentions, prophesied he was going on a "sleeveless errand," that he was a Quixotic Hotspur who imagined "it were an easy leap to pluck bright honor from the pale-faced moon." But he went to Oregon. He drew crowds to hear him. In a little more than six months he appeared again among us, on his way to Washington City, Senator from Oregon! It was, in evil conflict, like that of Julius Cæsar in arms over Pharnaces, as described by himself, *Veni, vidi, vici*— If "Peace hath her victories as well as War," where is the conqueror whose laurels will not pale their ineffectual glories, before those of Baker? His success in the Galena District of Illinois and in Oregon is unequaled by anything that ever occurred in the history of our country.

He took his seat in the Senate in December, 1860. Much was expected of him; he did not disappoint the hopes of his friends. In January, 1861, in answer to the talented Benjamin, the skillful and accomplished orator of "high exploit" in the Senate—"a fairer person lost not heaven"—he made a speech celebrated for strength of argument, logical power and majestic eloquence, which would have honored the Senate in the days of Webster, Clay and Crittenden. He was beyond comparison the foremost man in debate in that illustrious body, the Senate of the United States. It might have been expected, as it was ardently hoped by his countrymen, that here he would remain, and enjoy the fruits of an honorable ambition. But no; it was ordered otherwise by fate. The ruling passion of his soul, that "made his ambition virtue"—an unconquerable wish to serve and save his country, drowned all selfish suggestions of individual comfort. In his own glowing words in the House of Representatives, in 1850, "I have bared my bosom to the battles on the Northwestern frontier in my youth, and on the Southwestern frontier in my manhood; and if the time should come when disunion rules the hour, and discord is to reign supreme, I shall again be ready to give the best blood in my veins to my country's cause."

The time had come, and he was ready to do at the cannon's mouth what he had professed in the halls of Congress. His noble soul was on the side of his country in the dreadful contest brought about by desperate and wicked ambition. His voice in the Senate and in the public assemblies stirred the hearts of his countrymen to rally in support of the best Government ever seen by man. After the adjournment of Congress he attended a public meeting in New York, in April, 1861, probably the largest ever held in our country, and there, amid the learned and able men of that great city, he stimulated the public mind and aroused his countrymen to renewed efforts in behalf of our Union. It was there he spoke by the side of the lion-hearted, the patriotic Dickinson—himself remarkable for strength of intellect and great power of oratory—who at a speech in Brooklyn, New York, thus speaks of our friend:

> Alas, poor Baker! He was swifter than an eagle! He was stronger than a lion! and the very soul of bravery and manly daring. He spoke by my side at the great Union Square meeting in April, and his words of fiery and patriotic eloquence yet ring upon my ear. And has that noble heart ceased to throb—that pulse to play? Has that beaming eye been closed in death? Has that tongue of eloquence been silenced for ever? Yes, but he has died in the cause of humanity—
>
> "Whether on the scaffold high,
> Or in the army's van,
> The fittest place for man to die
> Is where he dies for man!"

He raised a regiment and led them on in their country's cause. It is not necessary now to discuss why the result of the battle of Edward's Ferry was not different. To Baker's fame it is all right. He fell in the cause of human liberty, in defense of the Union, in defense of his country. He fell with his "back to the field, his face to the foe," and long as Liberty has a votary on earth, as long as the name of Washington is revered among men, and his principles cherished by his countrymen, so long will the name of Baker be remembered with gratitude and admiration.

No man who knew Baker, can doubt the sincerity and noble disinterestedness of his attachment to his political principles. In Illinois, in California, against overwhelming numbers, unseduced by the syren song promising promotion, he kept on the even tenor of his way. As a statesman, he was never suspected in the days of highest party excitement, of trimming his sails to catch the breeze of popular applause. He did not purpose to embark with his friends on the "smooth surface of a summer sea," and leave them when the winds whistled and the billows roared. He was

> Constant as the Northern Star,
> Of whose true, fixed and resting quality
> There is no fellow in the firmament.

In political contests, when armed with the consciousness of being right, as at the cannon's mouth, he never feared to encounter any adversary, or ever thought of consequences to himself. He went into political contests as he did to the field of battle, where mortal engines "immortal Jove's dread clamors counterfeit."

On the morning of the fatal 21st of October, 1861, when he crossed the Potomac, he went to perform his duty to the "whole country, of which he was a devoted and affectionate son." He thought he was right, and in the path of duty; and I can imagine as he stood on the banks of the Potomac, whose rushing waters red with patriotic blood, were in a few hours to dash their moaning waves on Mount Vernon's shore, with a full knowledge of the danger of death before him, he had in his mind the noble thoughts to which he gave utterance in the Senate on the 2d of January previous. "Right and duty are always majestic ideas. They march an invisible guard in the van of all true progress; they animate the loftiest spirit in the public assemblies; they nerve the arm of the warrior; they kindle the soul of the statesman and the imagination of the poet; they sweeten every reward; they console every defeat. Sir, they are of themselves an indissoluble chain which binds feeble, erring humanity to the eternal throne of God."

In private life he was most amiable and affectionate. I am indebted to the Rev. Thomas H. Pearne of Portland, Oregon, who thus speaks of an incident which illustrates the strength of his filial affection and duty. After his election as Senator, he addressed a letter to his mother:

> It was the first he was to send bearing the Senatorial frank. Who so fitting a recipient of that first letter as that aged mother? On the way to the post-office with the letter in hand, conversing with a friend, he remarked with fond pride, that his mother, then more than 80 years of age, was a woman of strong, cultivated mind; that she had often taken down his speeches in short-hand, which she wrote with elegance and rapidity; that she was a beautiful writer, and that she still retained in vigor her mental faculties. As the son was transmitting this evidence of his success to his mother, and recounting her virtues and excellencies, his eyes filled with tears, which coursed their way down his cheeks. In itself the incident is trivial, yet it illustrates two things—the influence of that strong-minded, intelligent mother in training her son for greatness and usefulness, and the generous tide of sympathy which beat in his manly heart.

He had as much unworldliness as Goldsmith; no love of filthy lucre ever found a resting-place in his heart. For years I have known him well, and part of the time was associated with him in business, and I never heard a profane word or irreverent expression from his lips. He never uttered or wrote a line that could impair the celestial comfort of a Christian's hope. As a man, he was possessed of that most excellent gift, charity, towards all who differed with him; he never indulged in bitterness of speech towards political opponents, nor towards those who had done him personal wrong. I have never known a man in public life whose heart more abounded in generous philanthropy for all mankind. He exhibited this feeling at the bar, when he was conscious of his superiority over a younger or feebler adversary. He would have manifested the same generosity had he been victorious in the last battle of his life, and deserved the eulogium pronounced by him on Gen. Taylor: "Nor, sir, can we forget that in the flush of victory, the gentle heart stayed the bold hand, while the conquering soldier offered sacrifice on the altar of pity, amid all the exultation of triumph."

He had talents that only needed cultivation to have insured him distinction, as a poet.

The following poem is given as an illustration of his poetical powers. It was sent from Washington City to the Philadelphia *Press*, (shortly after Col. Baker's death,) by Col. Forney, with these comments.

Poem by Col. Baker.

"In my comments upon the lamented Colonel Baker I stated that, in addition to his many other intellectual gifts, he was a fine poet—a remark that was received by many with surprise. I am permitted to publish one of his fugitive pieces, written by him twelve years ago, and now in possession of an intimate friend in this city. Observe how the last verse applies to his fate:"

TO A WAVE.

Dost thou seek a star with thy swelling crest,
O wave, that leavest thy mother's breast?
Dost thou leap from the prisoned depths below
In scorn of their calm and constant flow?
Or art thou seeking some distant land
To die in murmurs upon the strand?

Hast thou tales to tell of pearl-lit deep,
Where the wave-whelmed mariner rocks in sleep?
Canst thou speak of navies that sunk in pride
Ere the roll of their thunder in echo died?
What trophies, what banners, are floating free
In the shadowy depths of that silent sea?

It were vain to ask, as thou rollest afar,
Of banner, or mariner, ship or star;
It were vain to seek in thy stormy face
Some tale of the sorrowful past to trace.
Thou art swelling high, thou art flashing free,
How vain are the questions we ask of thee!

I too am a wave on a stormy sea;
I too am a wanderer, driven like thee;
I too am seeking a distant land
To be lost and gone ere I reach the strand.
For the land I seek is a waveless shore,
And they who once reach it shall wander no more.

It has fallen to the lot of few men to be distinguished at the bar, in popular assemblies, in the Senate, and in the tented field. Viewed in this light, Baker's fame is the "tall cliff whose awful form" overshadows other men

of his day. The practice of the law sharpens the intellect, but narrows its powers of comprehension. It had no unfavorable influence on his genius. The great Erskine, unrivalled in his day in the forum, disappointed the hopes of all when he sat in Parliament. But Baker was an Erskine at the bar and a Chatham in the Senate. The magnificent Burke, whose splendid diction grows better by time, had no power to stir men's blood as Baker had. Excepting our own Webster, no man of modern times has been so successful as Baker in the forum, in the Senate, and before popular assemblies. I have already referred to his surprising power in addressing audiences of literary or benevolent character. Which of us that heard or read his speech on the occasion of celebrating the laying of the Atlantic cable, in 1858, can ever forget his beautiful apostrophe to science?—

Oh Science, thou thought-clad leader of the company of pure and great souls that toil for their race and love their kind! Measurer of the depths of earth and the recesses of heaven! Apostle of civilization, hand-maid of religion, teacher of human equality and human right, perpetual witness for the Divine wisdom, be ever, as now, the great minister of peace! Let thy starry brow and benign front still gleam in the van of progress, brighter than the sword of the conqueror, and welcome as the light of heaven.

Who can forget his reference on the same occasion to the magnificent comet, then kindling the admiration of all beholders in its pathway of celestial glory?—

"But even while we assemble to mark the deed and rejoice at its completion, the Almighty, as if to impress us with our weakness when compared with his power, has set a new signal of his reign in heaven. If to-night, fellow-citizens, you will look out from the glare of your illuminated city into the northwestern heavens, you will perceive low down on the edge of the horizon a bright stranger pursuing its path across the sky. Amid the starry hosts that keep their watch, it shines, attended by a brighter pomp and followed by a broader train. No living man has gazed upon its splendors before. No watchful votary of science has traced its course for nearly ten generations. It is more than 300 years since its approach was visible from our planet. When last it came it startled an Emperor on his throne, and while the superstition of his age taught him to perceive in its presence a herald and a doom, his pride saw in its flaming course and fiery train the announcement

that his own light was about to be extinguished. In common with the lowest of his subjects, he read omens of destruction in the baleful heavens, and prepared himself for a fate which alike awaits the mightiest and the meanest. Thanks to the present condition of scientific knowledge, we read the heavens with a far clearer perception. We see in the predicted return of the rushing, blazing, comet through the sky, the march of a heavenly messenger along its appointed way and around its predestined orbit. For 300 years he has traveled amid the regions of infinite space. "Lone, wandering, but not lost," he has left behind him shining suns, blazing stars and gleaming constellations, now nearer the eternal throne, and again on the confines of the universe—he returns with visage radiant and benign; he returns with unimpeded march and unobstructed way; he returns, the majestic, swift electric telegraph of the Almighty, bearing upon his flaming front the tidings that throughout the universe there is still peace and order; that amid the immeasurable dominions of the Great King, His rule is still perfect; that suns and stars and systems tread their endless circle and obey the eternal law.

Are not these thoughts rays of immortality which cast a bright halo around the fame of Baker? He had errors —what mortal has not?—he was conscious of them, and repented of them in sackcloth and ashes. But who can think of the early career of this foreign-born boy, deprived by Almighty dispensation of a father's care when a child of tender years; of his noble struggles against poverty; of his wonderful acquirements while working with his own hands; of his extraordinary attainments under the most depressing circumstances on a western frontier; of his great virtues in the domestic relations of life; of his gentle and charitable heart; of his patriotic soul devoted to his whole country, full of fiery zeal in the cause of liberty, yet untainted by the poison of fanaticism which corrupts the heart and clouds the mind; above all, of his steady, unfaltering devotion to his country, in peace and in war; of his patriotic life and glorious death —who can think of these, and refuse to say with the friend now attempting with tremulous diffidence to weave a modest garland around his brow, in doing these fair rites of tenderness—

> Adieu, and take thy praise with thee to Heaven!
> Let thy errors sleep with thee in the grave
> But not remembered in thy epitaph!

A few weeks after his election to the United States Senate, in 1860, Gen. Baker, while *en route* to Washington, addressed a very large mass meeting in San Francisco, convened under the auspices of the Republican State Central Committee. His speech on this occasion was regarded by very many of his admirers as the greatest effort of his life, although delivered without preparation. It was reported in full, and extensively circulated as a campaign document. Near the close of the speech occurred this impassioned tribute to Freedom:

"Here, then, long years ago, I took my stand by Freedom, and where in youth my feet were planted, there my manhood and my age shall march. And, for one, I am not ashamed of Freedom. I know her power; I rejoice in her majesty; I walk beneath her banner; I glory in her strength. I have seen her again and again struck down on a hundred chosen fields of battle. I have seen her friends fly from her. I have seen her foes gather around her. I have seen them bind her to the stake. I have seen them give her ashes to the winds, regathering them again, that they might scatter them yet more widely. But when they turned to exult, I have seen her again meet them, face to face, clad in complete steel, and brandishing in her strong right hand a flaming sword, red with insufferable light. And, therefore, I take courage. The people gather around her once more. The Genius of America will at last lead her sons to Freedom."

We honor him especially for the self-immolating spirit which led him, like Curtius, to plunge in the gulf in the hope of saving his country. He was not impelled by any dream of wild ambition. Not being born in the Atlantic States, he could not be President. He had attained the highest station, in his opinion, on earth; a station, as he said, "more exalted than that of a Roman Senator, Consul, Proconsul or Emperor." He had obtained the position of the first debater in the Senate. His friend with whom he had played in childhood, "his own familiar friend" with whom he had taken sweet counsel, had become President of the United States. That friend still loved him and rejoiced at his success. He could have passed an easy and luxurious life on the primrose path of Senatorial dignity and influence. But his country was in danger—he took no thought of him-

self. He "loved the name of honor more than he feared death." I honor his memory especially that notwithstanding his life-long zeal in the cause of liberty, he was true to "the Constitution and all its compromises," as he proclaimed again and again in his public addresses. He was animated by no sectional hostility, but regarded our Union "as less a work of human prudence than of Providential interposition." In the spirit of a disciple of Washington, as a friend of Webster and Clay, he said:

"Let the laws be maintained and the Union preserved, at whatever cost. By whatever constitutional process, through whatever of darkness or danger there may be, let us proceed in the broad luminous path of duty, till danger's troubled night be passed and the star of peace returns."

At the Union Mass Meeting in New York City, May 20th, 1861, Gen. Baker thus concluded a speech of great eloquence and power:

And if, from the far Pacific, a voice feebler than the feeblest murmur upon its shore may be heard to give you courage and hope in the contest, that voice is yours to-day. And if a man whose hair is gray, who is well nigh worn out in the battle and toil of life, may pledge himself on such an occasion, and in such an audience, let me say, as my last word, that when amid sheeted fire and flame, I saw and led the hosts of New York as they charged in contest upon a foreign soil for the honor of your flag; so again, if Providence shall will it, this feeble hand shall draw a sword never yet dishonored—not to fight for distant honor in a foreign land, but to fight for country, for home, for law, for government, for constitution, for right, for freedom, for humanity, and in the hope that the banner of my country may advance, and wheresoever that banner waves, there glory may pursue and freedom be established.

It would be unjust to his memory and to his countrymen to whom his memory will ever be dear, to omit to speak of his funeral oration over the dead body of a Senator from California, who died "tangled in the meshes of the code of honor." I have read no effort of that character, called out by such an event, so admirable, so touching, so worthy the sweet eloquence of Baker. That one effort should crown him with immortality. Baker was a brave man. He has proved it often. He had, as an honorable colleague said in the House of Rep-

resentatives—"in the battles of his country carved the evidence of his devotion to his government," and gave there proof of his courage. He proved it on the bloody field of Cerro Gordo, when he was praised by the greatest of living soldiers for his fine behavior and success. He has proved it by his death. Yet he knew that dueling was a sin. He knew it deserved reprobation and was unhallowed by any or all of the illustrious names who had yielded to its requirements under the tyranny of a barbarous public opinion. He gave his unqualified condemnation to a code which offers "to personal vindictiveness a life due only to a country, a family and to God." Broderick had many good qualities that excited Baker's admiration. Both were self-made men; both had risen from poverty to the highest position. Let Baker's denunciation of this unchristian, barbarous code be remembered to his undying honor:

> To-day I renew my protest; to-day I utter yours. The code of honor is a delusion and a snare. It palters the hope of a true courage and binds it at the feet of crafty and cruel skill. It surrounds its victim with the pomp and grace of the procession, but leaves him bleeding on the altar. It substitutes cold and deliberate preparation for courageous and manly impulse, and arms the one to disarm the other. It may prevent fraud between practiced duelists—who should be forever without its pale—but it makes the mere "trick of the weapon" superior to the noblest cause and the truest courage. Its picture of equality is a lie. It is equal in all the form, it is unjust in all the substance. The habitue of arms, the early training, the frontier life, the bloody war, the sectional custom, the life of leisure, all these are advantages which no negotiations can neutralize and no courage can overcome.

There was a moral courage and sublimity in it that has a fadeless lustre, reflected by his glorious death. Not far from each other—

> Where Ocean tells its rushing waves
> To murmur dirges round their graves—

these two distinguished men will repose in Lone Mountain cemetery until the trump of the Archangel shall sound and "summon this mortal to put on immortality." Let their monuments arise to meet the eye of the ocean-worn exile as he comes near this haven of rest. Let

them tell the traveler, as the landscape fades from his sight on leaving our gorgeous land, that "the paths of glory lead but to the grave." Let parents of unnumbered generations encourage their children to love that country for which Baker died—to cherish our Government and its institutions, which can thus advance the humblest of her sons. There let them rest, honored for their virtues, respected for their public services, mourned by thousands of all nations now present who will unite with us in saying:

How sleep the brave who sink to rest,
By all their country's wishes blest!
When Spring, with dewy fingers cold,
Returns to deck their hallowed mould,
She there shall dress a sweeter sod
Than Fancy's feet have ever trod.

By fairy hands their knell is rung,
By forms unseen their dirge is sung;
There Honor comes, a pilgrim grey,
To bless the turf that wraps their clay;
And Freedom shall awhile repair
To dwell a weeping hermit there!

Farewell, gallant spirit! While thy death in trumpet tones tells us "God only is great," may it increase our devotion for the Omnipotent Almighty, who out of the dust could create such a being as thou wast. May it increase our gratitude that our lot is cast under a government, for whose preservation you poured out the best blood in your veins. Though the sad heart-moving words, "earth to earth, ashes to ashes, dust to dust," have been pronounced over thy earthly remains, yet in your own burning words—and what more appropriate ornament for the bier of him who earned the title of the "Gray Eagle of Republicanism," than a plume from his own wing, a "feather that adorned the royal bird and supported his flight?"—

Your thoughts will remain. They will go forward and conquer. They are gathering now into a stream. They are spreading into a rushing, boiling and bounding river. They are controlling men's minds. They are maturing lives. They are kindling men's words. They are freeing men's souls. And as surely as the great procession of Heaven's host above us moves each in its appointed place

and orbit, so surely shall the proud principles of human right and freedom prevail.

And hereafter, when the "banner of Freedom streams proudly to the wind in honor of victory—when peace o'er the world extends her olive wand"—when the great and good are remembered, you will not be forgotten. We will remember the man "of foreign birth who laid down his life for the land of his adoption." When the roll is called of Freedom's great martyrs, your sacrifices, your fidelity to liberty, will be remembered, and ten thousand times ten thousand patriot tongues shall say of you, as it was said of another soldier in another struggle, "Fallen upon the field of honor."

"But the last word must be spoken, and the imperious mandate of death must be fulfilled. Patriot-warrior, farewell! Thus, oh brave heart! we leave thee to thy rest. Thus, surrounded by tens of thousands, we leave thee to the equal grave. As in life, no other voice among us so rung its trumpet tones upon the ear of freemen, so in death its echoes will reverberate amid our mountains and our valleys, until truth and valor cease to appeal to the human heart."

Address of Rev. Thos. Starr King,

DELIVERED AT THE GRAVE IN LONE MOUNTAIN CEMETERY, SAN FRANCISCO, PREVIOUS TO THE INTERMENT OF COL. BAKER'S BODY.

The story of our great friend's life has been eloquently told. We have borne him now to the home of the dead, to the Cemetery which, after fit services of prayer, he devoted in a tender and thrilling speech, to its hallowed purposes. In that address, he said: "Within these grounds public reverence and gratitude shall build the tombs of warriors and statesmen * * * who have given all their lives and their best thoughts to their country." Could he forecast, seven years ago, any such fulfillment of those words as this hour reveals? He confessed the conviction before he went into the battle which bereaved us,

that his last hour was near. Could any slight shadow of his destiny have been thrown across his path, as he stood here when these grounds were dedicated, and looked over slopes unfurrowed then by the plowshare of death?

His words *were* prophetic. Yes, warrior and statesman, wise in council, graceful and electric as few have been in speech, ardent and vigorous in debate, but nobler than for all these qualities by the devotion which prompted thee to give more than thy wisdom, more than thy energy and weight in the hall of senatorial discussion, more than the fervor of thy tongue and the fire of thy eagle eye in the great assemblies of the people—even the blood of thy indomitable heart—when thy country called with a cry of peril,—we receive thee with tears and pride. We find thee dearer than when thou camest to speak to us in the full tide of life and vigor. Thy wounds through which thy life was poured are not "dumb mouths," but eloquent with the intense and perpetual appeal of thy soul. We receive thee to "reverence and gratitude," as we lay thee gently to thy sleep; and we pledge to thee, not only a monument that shall hold thy name, but a memorial in the hearts of a grateful people, so long as the Pacific moans near thy resting-place, and a fame eminent among the heroes of the Republic so long as the mountains shall feed the Oregon! The poet tells us, in pathetic cadence, that the paths of glory lead but to the grave. But this is true only in the superficial sense. It is true that the famous and the obscure, the devoted and the ignoble, "alike await the inevitable hour." But the path of true glory does not end in the grave. It passes through it to larger opportunities of service. Do not believe or feel that we are burying Edward Baker. A great nature is a seed. "It is sown a natural body; it is raised a spiritual body." It germinates thus in this world as well as in the other. Was Warren *buried* when he fell on the field of a defeat, pierced through the brain, at the commencement of the Revolution, by a bullet that put the land in mourning? No; the monument that has been raised where his blood reddened the sod, granite though it be in a hundred courses, is a feeble witness of the per-

manence and influence of his spirit among the American people. He mounted into literature from the moment that he fell; he began to move the soul of a great community; and part of the principle and enthusiasm of Massachusetts to-day is due to his sacrifice, to the presence of his spirit as a power in the life of the State.

Did Montgomery lose his influence as a force in the Revolution because he died without victory, on its threshold, pierced with three wounds, before Quebec? Philadelphia was in tears for him, as it has been for our hero; his eulogies were uttered by the most eloquent tongues of America and Britain, and a thrill of his power beats in the volumes of our history, and runs yet through the onset of every Irish brigade beneath the American banner, which he planted on Montreal.

Did Lawrence die when his breath expired in the defeat on the sea, after his exclamation, "Don't give up the ship!" What victorious captain in that naval war shed forth such power? His spirit soared and touched every flag on every frigate, to make its red more commanding and its stars flame brighter; it went abroad in songs, and every sailor felt him and feels him now as an inspiration.

God is giving us new heroes to be enthroned with those of the earlier struggles. Before our greatest victories come, He gives us, as in former years, names to rally for, and examples to inflame us with the old and the unconquerable fire. Ellsworth, Lyon, Winthrop, Baker, our patriots who have fallen in ill-success, will hallow our new contest, and exert wider influence as spirit-heroes than over their regiments and battalions, while they shall ascend to a more tender honor in the nation's memory and gratitude.

And other avenues of service than those of the earth are opened for such as he whom we are waiting to lay in the tomb. "It is sown in dishonor, it is raised in glory," saith the Sacred Word. God has higher uses for such spirits. In the Father's house are many mansions; and Christ hath prepared the place for all ranks of mortals for whom he died. The mysteries of the other world are not revealed. The principles of judgment, the tests of accept-

ance and of the Supreme eminence are unfolded. Intellect, genius, knowledge, faith, shall be as nothing before humility, sacrifice, charity. But in the uses of charity the fiery tongue, the furnished mind, the unquailing heart, shall have ample opportunities, and ampler than here. Paul goes to an immense service still as an Apostle; Newton to reflect from grander heavens a vaster light. As we shut the door of the tomb of genius, let it be with gratitude to God for its splendor here, and with a hope for its future that swells our bosom, though its outline be dim.

And let us not be tempted, in view of the sudden close of our gifted friend's career, in any sad and skeptical spirit, to say, "What shadows we are, and what shadows we pursue!" The soul is not a shadow. The body is. Genius is not a shadow. It is a substance. Patriotism is not a shadow. It is light. Great purposes, and the spirit that counts death nothing in contrast with honor and the welfare of our country,—these are the witnesses that man is not a passing vapor, but an immortal spirit.

Husband and father, brother and friend, Senator and soldier, genius and hero, we give thee, not to the grave and gloom—we give thee to God, to thy place in the country's heart, and to the great services that may await thee in the world of dawn beyond the sunset, with tears, with affection, with gratitude, and with prayer.

MATTHEW P. DEADY.

By Harvey W. Scott,

EDITOR OF "THE OREGONIAN."

The rise of American communities and their formation into States have given opportunity for the growth and development of many of our most noted and useful public men.

The man who has borne a prominent part in establishing one of the States of our American Union, who has been instrumental in giving direction to its growth and distinctiveness to its character, and who has largely assisted in infusing a spirit of independence and self-reliance, as well as a moral and practical progressive energy into its development—such a man is sure of an honorable and permanent place in our history. All our States have those who are thus held in remembrance, and their history forms a large part of the general history of the country. To illustrate this, particular names need not be recounted. Every one who studies the history of the origin of the several States, readily selects the individuals whose influence has given them the distinguishing characteristics which they as communities possess.

The person who acquaints himself with the history of Oregon will assign to Judge Deady a leading place among those who are entitled to be regarded as the representative men of the Pacific Coast. A residence of twenty

years' duration, the greater part of which has been spent in active participation in the affairs of the Territory and State, has enabled him to exert a remarkable influence upon the thought, the habits, the jurisprudence, and the general interests of this rising commonwealth. Few men have ever more thoroughly impressed their ideas upon a large community than he has done. He came to Oregon at a time when the various elements of society, which had been drawn together from localities separated widely from each other by customs as well as by distance, had met and begun to coalesce; and taking them in this transition state, he has been largely instrumental in moulding them into their present form. Possessing many, though not all, of the qualities necessary for a leading public character, he has often been able to guide and direct where he has not had power to absolutely control. His extensive learning, his ready judgment, his clear perception of the whole relations of a subject, with the ability to state his opinions in a consistent and convincing manner, have always given him influence and power; and while he is lacking in certain elements of character which enable some men to achieve a very high popularity, he possesses those solid qualities which always command respect, and which, in general, enable their possessor to make a more enduring impression upon the public thought than is made by many whose praises are continually on the popular tongue.

MATTHEW P. DEADY was born May 12, 1824, in Talbot county, Maryland, nine miles from Easton. He is of Irish and English extraction. His father was a man of education, and a schoolmaster by profession. His parents were married in Baltimore, his mother's native place, where they mainly resided until the year 1828, when they removed to Wheeling, Virginia. Here his father had charge of the Lancasterian Academy, a public school conducted upon the monitorial system of the celebrated English Quaker, Joseph Lancaster, and in this school Matthew took his first lessons in the "hornbook and ferule."

In 1833, the family returned to Baltimore on a visit.

On the return to Wheeling, Matthew's mother died and was buried in May, 1834, near Burkettsville, in western Maryland. Thenceforward, Matthew was thrown for the most part upon his own resources and impulses for his progress through the world and the direction of it. During the summer of 1834, he attended school at Fredericktown, Maryland. In the autumn of the same year, he returned to Baltimore and entered his grandfather's store, where he remained until the spring of 1836, when he returned to his father in Wheeling. Here he went to school, and was employed in a music store until 1838, when he removed with his father to Belmont county, Ohio. There he lived and labored upon his father's farm for about three years, when he voluntarily left home and went to Barnesville, Ohio, to learn the trade of blacksmithing. With the exception of six months, during which he attended the Barnesville Academy, he wrought at the anvil for the next four years, when his engagement with his employer closed. During this period, he became a skillful mechanic. Besides the physical development and hardiness which these years of wholesome labor gave him, he obtained at the same time a knowledge of men and things in the practical affairs of life which no amount of mere school culture could have bestowed.

In this country, where every man must make his own way to fortune, and where "self-made men," to adopt a trite phrase, are the only ones who win position and hold it, the man whose early life is one of severe struggles, has, in general, a great advantage over those who might seem to be more favored by fortune. He who has accustomed himself in early life to meet difficulties and surmount them, acquires a courage and a steadfastness which will serve him better than any patrimonial estate; for no man, in a country like ours, where competition is so great, and where continued success depends on absolute merit, can sustain himself for a day after he relaxes his effort and loses faith in himself. In *Troilus and Cressida*, Ulysses, remonstrating with Achilles for his inactivity, says:

Perseverance, dear my lord,
Keeps honor bright: To have done, is to hang
Quite out of fashion, like a rusty mail
In monumental mockery. Take the instant way;
For honor travels in a strait so narrow,
Where one but goes abreast; keep then the path;
For emulation hath a thousand sons
That one by one pursue. If you give way,
Or hedge aside from the direct forthright,
Like to an entered tide they all rush by,
And leave you hindmost.

Grit and pluck are good words to describe the qualities which are indispensable to every American. And there is nothing which gives these qualities a better development than the necessity which compels a man to obtain a practical knowledge of what labor is, and causes him to commence to build upon this solid foundation of all human improvement. Most of our public men have had preparatory discipline in the school of labor, and this has generally been not the least valuable part of their education and training for public duty. Such a beginning is almost necessary to *Americanize* our public men. But none except low minds attempt to make particular merit of it. There has been as much mean demagogism on this point as on almost any other. A great writer says: "There is no qualification for public place but virtue and wisdom, actual or presumptive. Wherever they are found, they have in whatever state, condition, profession or trade, the passport of Heaven to human place and honor. Woe to the country that would madly and impiously reject the service of the talents and virtues, civil, military or religious, that are given to grace and serve it; woe to that country, too, that passing into the opposite extreme, considers a low education, a mean, contracted view of things, a sordid, mercenary occupation, as a preferable title to lead and command."

After his apprenticeship closed, Matthew pursued his studies in an academy six months longer. This was the end of his school days. He therefore never had the advantages which a collegiate education would have given him; but the person who obtains any idea of the extent

of his learning, the accuracy of his information, his taste and discrimination in literature, and his knowledge of matters which are generally learned only in the schools, would readily suppose that he had prepared the way for this culture by a thorough course of college study.

But though he had labored patiently and with a steady purpose for several years in making himself master of a trade, he did not pursue it further; and after leaving school, in obedience to that principle which attracts so many of our young men towards literary instead of mechanical pursuits and leads them to commence with the study of the law, he began to apply himself with a view of acquiring a knowledge of that profession. This was in the winter of 1845–6, and he was now twenty-one years old. While thus engaged, he had recourse to that common expedient of our young men who are making their way in the world—he taught school. He continued the study of the law with William Kennon, Sr., of St. Clairsville, Ohio, since on the Supreme Bench of that State. In October, 1847, he was admitted to the bar of the Supreme Court of Ohio, and practiced law in St. Clairsville until the beginning of the year 1849, when he took the idea of removing to Oregon. His old friend, Judge Kennon, had long entertained the project of coming to the Valley of Wallamet. In his dreams, here was a spot "like those Hesperian gardens famed of old;" and he inspired those about him with his own enthusiasm in regard to a place so fair and so romantic. About this time, the discovery of gold in California set all the adventurous spirits of the country agog for the shores of the Pacific. Several young men of St. Clairsville made preparations for the western march, and Mr. Deady, sharing the general love for adventure, resolved to join them. They set out about the beginning of the year 1849, but proceeded no further in company than Leavenworth. At that place Mr. Deady joined a Government train and continued with it as far as Fort Kearney, where he fell in with a Paymaster of the United States Army, who was coming over the plains with an escort to Oregon. He joined this party and reached the Dalles, then the farthest outpost

of Oregon civilization, on the 7th of November, 1849. His friend, Judge Kennon, who had first directed his mind hither, never visited Oregon. Mr. Deady had set out for "The West" with twenty dollars in his pocket; and various small debts which he was unable to pay when he started, he discharged with money which he earned in teaching school during the winter after his arrival.

In those days, the man who came to Oregon never considered his journey ended until he had reached Oregon city. Following the general fashion, Mr. Deady went to that place, and after a few days' sojourn there, departed for Yamhill county.

On the plains near Fort Hall, his party had fallen in with some Yamhill people, and traveled in company with them for the remainder of the journey. The acquaintance thus formed was the means of leading him to Oregon's historic county, Yamhill. He reached Lafayette, the capital of that county, and then one of the principal towns in Oregon, on the 13th December. During the winter, he had recourse to the old employment of school teaching.

In 1850, he commenced practicing law, and almost immediately became well and favorably known. At that time, and for several years thereafter, Lafayette was an important business point; and Mr. Deady was not a man to go into such a community and remain unknown and unnoticed. In the general election in June of that year, though he had been only six months in the Territory, he was chosen a member of the Lower House of the Oregon Legislature. He distinguished himself as a member of the House Judiciary Committee, and the next year (1851) was elected a member of the Territorial Council. Here the position of Chairman of the Judiciary Committee was assigned him. A special session of the Legislature was held in July, 1852, and the abilities he had already displayed in that body caused him to be elected President of the council. Thus he became a "growing man" from his first appearance in public life; and from that time his reputation and influence have been increasing steadily, as he has had opportunities to make himself known.

Until 1853, he continued to practice law in Yamhill county.

He married, in June, 1852, Lucy, eldest daughter of Robert Henderson, Esq., of Yamhill. Four children have been born to them, two of whom are now living.

In the spring of 1853, he received his first appointment to a judicial position, being made an Associate Justice of the Supreme Court of the Territory of Oregon. His colleagues on the bench were Hon. Geo. H. Williams, Chief Justice, now a United States senator from Oregon, and Hon. Cyrus Olney, now a resident of Astoria, and still one of the most active and influential citizens of the State.

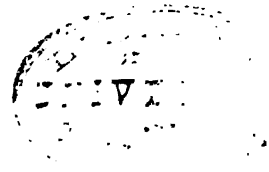
Judge Deady held his first term of Court at Hillsboro, Washington county, in July, 1853. That county then included the city of Portland and the present county of Multnomah. But as he had chosen the Southern Judicial District of the Territory, comprising the counties south of Wallamet Valley, he soon removed to that section. He took a land claim in Douglas county, ten miles from Roseburg, and established his residence thereon. For the next five years, his life was an active and laborious one. Besides attending to his official duties, he made a farm, performing a large part of the labor with his own hands. As a considerable portion of his time was necessarily passed in comparative quiet and solitude, he had here a rare opportunity for reading, reflection, and study; and possessing a small, though very good collection of authors in law, politics, and literature, he here gave his mind its permanent cast, and developed that vigor and breadth of understanding which he has evinced in his subsequent life. He has thus furnished another proof of the fact that intellectual development is best promoted in the midst of labors and in opposition to difficulties. Such is our nature that in order to make progress, we demand resistance and opposition. "Difficulty," says Burke, "is good for man."

When Judge Deady went to southern Oregon, society there was in an unsettled state, resulting from the newness of the country, the migratory character of the popu-

lation, and the various incidents belonging to a community hitherto almost wholly devoted to mining and its kindred pursuits. There was much bustle and activity about the mines and in the principal towns; and for four or five years there had been a steady trade and intercourse with the Wallamet Valley and through the Umpqua river with California. The people hitherto, as is still the case in similar communities, had been governed mainly by their own local laws and regulations. It therefore devolved on Judge Deady to settle and administer the general principles of law among them. This necessitated great diligence and labor, and the exercise of much patience. He performed his duties with credit to himself and advantage to that portion of the Territory; and while he thus did much to give a consistent and permanent form to the jurisprudence of Oregon, he greatly enhanced his own reputation, and grew steadily and firmly in the confidence of those who knew him.

The subject of a State Government now began to be agitated. For several years successively it was submitted to the people of the Territory and rejected by them; but at length it was carried, and at the general election in June, 1857, members were chosen to meet in convention for the purpose of framing a constitution to be submitted to the people for their adoption or rejection. Judge Deady was elected a member of this convention from Douglas county. The members assembled at Salem in August, 1857. The conspicuous abilities of Judge Deady designated him as the person to be chosen to preside over the deliberations of the convention. He was therefore chosen President of that body, and took a leading part in framing the present constitution of Oregon. The labor of the convention was mainly performed in the Committee of the Whole, where he was always on the floor, participating in the discussions and assisting to give form to the constitution. Many parts of that instrument were either suggested by him or modified by his hand. He procured the insertion of the clause in relation to suffrage, which requires persons of foreign birth to declare their intention to become citizens one year before

they are allowed to vote, a measure which is necessary in every State to insure the purity of elections. Others wished to allow the privilege of suffrage to every person of foreign birth who had been six months in the State, immediately upon his declaration of intention to become a citizen; a policy which opens a wide door for fraud, as it offers an inducement to persons to declare their intention to assume citizenship for the special purpose of voting, and puts it in the power of politicians to make use of them on special occasions to exercise an undue influence in elections. By his efforts, also, the official terms of Justices of the Supreme Court were made six years instead of four. In the convention there were those who advocated annual sessions of the Legislature and the election of the Governor and officers of the Administrative Department every two years. Judge Deady advocated biennial sessions of the Legislature and official tenures for these officers of four years' duration, and his views were adopted. He was an earnest advocate of those provisions of the constitution which secure the State against the creation of large indebtedness, prevent the legislature from lending the credit of the State to any corporation, and prohibit counties, cities, and towns from subscribing money to corporate bodies, or creating excessive liabilities. Experience has shown that for an infant State these are wholesome restrictions. He opposed those clauses of the constitution which attempt to prevent the coming of Chinese and persons of African descent into the State, holding that such attempts to restrict intercourse were in conflict with the constitution of the United States; and it is proper to add that time has fully sustained his position. To present a statement of his whole agency in forming the constitution of Oregon, it would be necessary to give a review of that entire instrument; a review which would protract this sketch to a length that would, perhaps, be tedious to the general reader. After a session of six weeks, the convention perfected the constitution, adopted it as a whole, submitted it to the people, and adjourned. On the adjournment, the President addressed the convention as follows:



"I congratulate you upon the conclusion of your labors in so short a time, and with so little consequent expense to the country. For myself, while objecting to some of the provisions of this constitution, and looking to changes in time that will improve it, I accept it as it is. In reference to the question as to whether we are prepared to become a State, I have not been so sanguine as some individuals. Upon the questions of numbers and wealth, I think we are amply prepared. But a country requires age and maturity to prepare it to become an independent State and government. It is for the country to determine that question. For myself, I am willing to vote to enter into this new form of government, and the best reward I can wish you is that your constituents may approve your labors."

The constitution thus submitted to the people was adopted by a considerable majority at the next regular election, which took place in June, 1858.

Judge Deady still held his official position on the bench in southern Oregon during the years 1857–58. At the general election in June, 1858—the first election held in Oregon for State officers—he was chosen without opposition as Justice of the Supreme Court for the Southern District of the State. The tender of this office by the unanimous vote of the people by whom his character as a man and qualities as a judge were best known, was a very flattering testimonial. He did not, however, accept the position; for when the State was admitted into the Union in February, 1859, he was appointed Justice of the United States District Court for the District of Oregon. The interval which elapsed between the surrender of his former position and the assumption of his new duties gave him an opportunity to visit the Eastern States. His tour extended to Washington and the principal cities, and enabled him to revisit his old friends and the scenes of his early life. He returned to Oregon after a tour of a few months, sold his farm in the Umpqua Valley, and in autumn of 1860 removed to Portland, where he has ever since resided.

He was now in a position which gave his powers a

higher and a wider range. Being released from the merely statutory and mechanical labors which had hitherto devolved upon him in a judicial station, his pursuits were now of a nature much more congenial to his mind. His new position brought him to some extent within the domain of public and constitutional law; and on all occasions when his duties have required him to treat these higher questions, he has acquitted himself in an able and successful manner. To the performance of the duties of his new station, he brought mature intellectual powers, a mind ripened by study and impregnated with the original principles of jurisprudence, and a judgment thoroughly trained, cultivated, and self-reliant. Besides his purely legal attainments, he was well-versed in the multifarious learning which can be made subsidiary to the uses of a man occupying his position.

In 1860, the Legislature appointed three commissioners to prepare a complete Code of Civil Procedure for Oregon. One of these commissioners declined to serve, and Judge Deady was appointed to act in his place. The other two commissioners bore but a small part in the work, which was performed almost wholly by Judge Deady. In 1862, the Code was reported to the Legislature, and so well was it received that only one or two amendments, and they of trifling importance, were made in the whole work. The Code was enacted by the Legislature, and still remains, almost without alteration from the form in which it was originally adopted, the Code of Civil Procedure for Oregon.

At the session of 1862, the Legislature appointed Judge Deady to prepare a Code of Criminal Procedure for the State, to be reported to the Legislature at the next biennial session. His appointment to this work was a mark of approbation for his past labors, and a testimonial of the high confidence that was reposed in his ability for the new task. He prepared the Code, reported it to the Legislature, and it was passed without amendment. He was in attendance at these two sessions of the Legislature (1862 and 1864) to explain and settle any points which might be raised against portions of his

work; and his success is attested by the manner in which that body promptly enacted the Codes almost as they came from his hands. The preparation of these two works was a very laborious task. To fix upon and settle a method for all legal proceedings, to make the work comprehensive and yet not redundant, and to adapt it to the wants of the people of a new State whose business pursuits and general interests required to be fully considered, was a labor of no small magnitude. That Judge Deady succeeded well is sufficiently established by the fact that after an experience of some years no material changes have been made in the Codes as first reported by him.

Since 1854, no attempt had been made to arrange and codify the laws of Oregon. From that time, the laws had been continually increasing in bulk and intricacy. Each successive Legislature had enacted such laws as real or imaginary wants, changing purposes or temporary caprice seemed to require. Some acts were continually undergoing amendment; other acts and parts of acts were as continually being repealed and reënacted, and additions were steadily making to the body of the laws. The whole was, of course, in great confusion. It was extremely difficult to know what the law was, and the change from a Territorial to a State Government, with the attempt to continue in force the old laws under the new *régime*, made the confusion and difficulty still greater. The Legislature resolved to provide a remedy. In October, 1864, the Governor was authorized to appoint a Commissioner "to collect, in the order and method of a Code, all the general laws of Oregon in force, under their appropriate heads, with marginal notes and references, as also a syllabus of each section at the beginning of each chapter or title, as the case may be, with a well digested alphabetical index of the whole." As had been contemplated, Judge Deady was appointed to perform this important work. It necessitated great research and labor, and employed a large portion of his time for the space of two years. He personally superintended the passage of the work through the press, which added largely to

the labor of the compilation. A brief extract from the preface may be given here:

"No labor has been spared to make this work what the Assembly intended—a complete compilation of 'all the general laws of Oregon,' arranged 'in the order and method of a Code.' The reader may never appreciate the trouble and difficulty involved in the compilation, in a codified form, of the scattered and oft-amended statutes of the State and Territory, covering a period of ten years of almost annual legislation. The change in the nomenclature of offices and officers, and the new distribution of their powers and duties, caused by the transition from a Territorial to a State Government, made the labor of compiling the statutes of the former period almost equal to re-drafting them."

The result of the compiler's labors was a volume of eleven hundred pages, in which the whole laws of Oregon were for the first time brought into an accessible and convenient shape. The compilation was accompanied with extensive and valuable annotations and references, and the whole was arranged in a systematic manner, making probably the most complete volume of the kind ever published on the Pacific Coast. It does honor to the name of its compiler and annotator, and "Deady's Code" has often been spoken of with high favor and appreciation in places remote from Oregon.

For several years, beginning in 1862, Judge Deady furnished "Oregon Correspondence" for the San Francisco *Bulletin*. He wrote thirty or forty letters a year, in which Oregon affairs and current topics generally were discussed in an original and attractive manner. These letters did much to bring Oregon into prominent notice in California and elsewhere. A pressure of official duties caused the discontinuance of the correspondence in 1866.

In February, 1867, Judge Deady was called to San Francisco to hold a term of the United States Circuit Court, in the absence of Justice Field of the Supreme Court of the United States. Prior to that time, Judge Deady had been known in California, but the bench and the bar of that State, with few exceptions, had no per-

sonal acquaintance with him. The duties that devolved on him in holding this term of Court were of a very delicate and difficult nature. The celebrated McCall-McDowell case was to be tried at this term; and it was a case which, from its nature and the circumstances attending it, had attracted very wide attention. The importance of the case, the interest that attached to it, and the comment it received, justify in this place a brief account of its origin and of the trial, together with a concise statement of the opinion of the Court and the principles on which that opinion was founded.

McCall was arrested in April, 1865, in an interior county of California, by order of General McDowell, for publicly rejoicing over the assassination of President Lincoln. Captain Douglas made the arrest. The prisoner was kept in custody for a short time at Fort Alcatraz, and then discharged. Some time afterwards, he brought an action in a California Court for damages against General McDowell and Captain Douglas, but the case was soon transferred to the Circuit Court of the United States. It was tried without a jury. The Court held that as Captain Douglas had acted under the immediate orders of General McDowell, he was protected against an action for damages, and that General McDowell was solely responsible. The case was heard, and the Court awarded McCall damages in the sum of six hundred and thirty-five dollars. These damages were intended to be merely compensatory; and in rendering the judgment, the Court took into consideration the number of days the plaintiff was under arrest, with his loss of time and expenses. It was stated in the opinion, that the language of McCall which provoked the arrest was "gross and incendiary," and "well calculated at that moment of intense public feeling and anxiety to have brought harm upon the community." Yet the speaking of the words "was not technically a crime."

The defence maintained that the act of Congress of March, 1863, authorizing the President to suspend the privilege of the writ of *habeas corpus*, and declaring that any order by the President for arrest and imprisonment

in the cases specified should be a sufficient defence to any action for prosecution, together with the Act of May, 1866, to indemnify all persons for any act done during the rebellion by order of the President or Secretary of War, afforded General McDowell complete defence against the prosecution. The plaintiff asserted that these acts of Congress were unconstitutional and void, and therefore that they afforded no defence. The Court held that Congress has power to suspend the privilege of the writ of *habeas corpus*, and in an elaborate argument showed that the Act of March, 1863, was constitutional and valid. The President was entrusted with power to enforce this act, and any order from him within its purview would, by the terms of the act, have been a good and sufficient defence to an action. But the Court found that, as a matter of fact, no order had been issued by the President to General McDowell to make such arrests, and that the latter therefore acted solely on his own responsibility in arresting McCall. The Court accordingly held that this arrest did not come within the purview of the Act of March, 1863, and that the proceeding was consequently without the sanction of law. General McDowell's action was not taken in obedience to the orders of a superior, and therefore he could not plead in defence the act of Congress. "The power of arbitrary arrest," says the opinion, "is a very dangerous one. In the hands of improper persons, it would be liable to very great abuse. If every officer throughout the United States during the suspension of the *habeas corpus* is authorized to arrest and imprison whom he will, (as aiders and abetters) without further orders from the President or those to whom he has specially committed such authority, the state of things that would follow can better be imagined than described."

To protect the liberty of the citizen, and at the same time to take due care for the public safety, is, in times of great civil commotion, like those through which we had just passed, a matter of extreme difficulty for the persons who are entrusted with the civil and military administration. It is clear to everybody now that the arrest

of such persons as McCall for their expressions of exultation on the occasion of the assassination of President Lincoln, was not indispensably necessary for the public safety; yet when those arrests were made this fact was not known. The people were not aware of the extent of the danger, and in view of what had transpired, it was natural for them to take alarm when men in all parts of the country were heard shouting in exultation because the head of the Government had been struck down by the hand of an assassin. That such persons should, in some instances, have been arrested, is not a matter of surprise. Candid men must allow that under all the circumstances of that period of suspense, of doubt, of calamity, of sorrow and of righteous anger, the authorities showed singular leniency toward those who so far forgot what was due to the sense of the country, to their own honor and to good citizenship, as to express a turbulent joy at the perpetration of so great a crime. But the Court could not judicially consider these things. It found that utterances like those which McCall was proven to have made, however indecent in themselves or however offensive to a right-thinking community, did not constitute a crime; therefore, the person using such language was not liable to arrest or to legal punishment. That an officer who had simply arrested such person, under circumstances like these, without doing him other injury, ought to be protected against a subsequent action for damages, most people would probably think proper and just; but the Court, whose duty it was to declare and administer the law, had not this option. Judge Deady evidently felt the weight of considerations like these, as he remarked in his closing paragraph that, "Congress might relieve a meritorious officer against a loss incurred in the discharge of his duty to the public; but in this tribunal, whose only function is to administer the law, the defendant must be held liable for the legal consequences of his act."

By a large portion of the California press and public, this opinion was at the time very severely criticised. Others, however, did it justice, and recognized the un-

questionable principles of law on which it was founded. Subsequently, it was generally acknowledged that the opinion was based on legal principles which could not be shaken. The ruling of the Court upon the point relating to the responsibility of officers making such arrests was virtually recognized as correct by an act of Congress, passed in March, 1867, declaring that all officers and other persons making such arrests should be held, *prima facie*, to have acted under the orders of the President.

At the same term of Court, Judge Deady rendered an opinion relating to the law of copyright, which touches an important branch of that subject, and strikes a sound principle in determining what sort of productions ought to be protected by copyrights and patents, for the use and benefit of authors and inventors.

Every patent and copyright is in the nature of a monopoly, and the Constitution and laws of the United States contemplate that privileges like these shall be granted only for useful purposes. The language of the Constitution is that these exclusive rights may be secured to authors and inventors "to promote the progress of science and the useful arts." But it would seem that the practice has gone far beyond the plain intention of the Constitution, since this protection is granted for almost every trifle, no matter how simple or common. Every gimcrack is protected by a patent, and by such protection large fortunes innumerable have been made; while many of the most useful discoveries have had no protection at all under the laws, and the persons making them, unable to obtain security for their rights, have lived and died in poverty. The case considered and decided on this occasion, grew out of a controversy about two dramatic compositions, or rather representations, in San Francisco. It was claimed that a certain so-called dramatic composition, known as the *Black Rook*, was an imitation or copy of another known as the *Black Crook*, which last composition had the priority of copyright. The person who claimed the exclusive right to exhibit the *Black Crook* in the State of California applied for an injunction to restrain the exhibition of the *Black Rook*.

It was very clear that one of the plays or spectacles was a colorable imitation of the other, and the circumstances tended strongly to show that the *Black Crook* was the original, and the *Black Rook* the imitation or copy. It appeared, however, that the person claiming the exclusive right to exhibit the *Black Crook* in California had no literary property in that so-called composition, as he was neither the author, assignee, nor donee. How he had obtained possession of his copy did not appear, but he could produce no proof of legal ownership. Therefore he could not enjoin the other party from the use of the copy known as the *Black Rook*. To obtain an injunction preventing another from infringing upon a copyright or patent, the person applying for such injunction must himself have ownership or property in the composition or invention, or stand in the relation of agent or attorney of the owner. As the person who was exhibiting the *Black Crook* could produce no evidence of ownership or legal interest in the play, his application for an injunction against his rivals was denied. Incidentally, the Court remarked that it was questionable whether such productions as these two plays were legally entitled to copyright. The laws require of dramatic compositions that, to entitle them to copyright, they shall be "suited for public representation." As such exhibitions as those which on this occasion had carried their controversy into Court, promote neither "the progress of science nor the useful arts," it would clearly appear that it is not within the constitutional power of Congress to encourage their production, and that they ought not to have the protection of the law of copyrights. Both plays were in fact little else than lascivious spectacles; and while the Court did not pretend to be the conservator of morals in this respect—rightly declaring that the regulation of such matters is the business of the local Legislatures—it asserted that the protection of such exhibitions is not one of the objects intended to be secured under the Constitution and laws. This is a sound principle. It is clearly the intent of the laws that exclusive privileges should be granted

to authors and inventors for useful purposes only. It degrades this high constitutional power to invoke it to protect frivolous discoveries and meretricious exhibitions.

In the Avery-Bigler case, which the Court considered and passed upon at this term, there was a general discussion of the subject of official tenures under the Federal Constitution and laws, and of the power to make removals from office. This case also attracted very general attention, not only in California but throughout the whole country, and did much to hasten the passage of the Tenure-of-Office Act by Congress. In his opinion, Judge Deady made a very clear exposition of the constitutional principles which govern appointments and removals, and thus elucidated a subject which, a short time afterwards, became a matter of very general discussion through the public press and among politicians.

His conduct and ability on the bench were highly approved by the able bar of San Francisco. It was the first time the members of that bar had had opportunity to become well acquainted with him; and after the term had closed, they testified their appreciation of his abilities and their respect for his character in the following preamble and resolution, adopted "at a meeting of the members of the bar practicing in the United States Courts," and presented by the Honorable Thompson Campbell:

WHEREAS, the Honorable M. P. Deady, United States District Judge for the District of Oregon, has, by the allotment of the United States Supreme Court, presided over the United States Circuit Court for the District of California during the present term, and for the first time been brought into contact with the members of the California bar; therefore be it

Resolved, That upon Judge Deady's departure from among us to return to his own District, the members of the bar of California desire to express their thanks to him for the cheerfulness and readiness which he has exhibited in the disposal of a large number of important cases, and that they must bear testimony to the judicial courtesy, ability, and learning with which he has performed his judicial duties, and has won for himself the respect, esteem, and confidence not only of ourselves, but of the public.

THOMPSON CAMPBELL, Chairman.
GEORGE E. WHITNEY, Secretary.

SAN FRANCISCO, April 26th, 1867.

Almost the whole of Judge Deady's time is now taken up with his official duties. His labors in his own District have been steadily increasing for several years, and he devotes himself to his work with unceasing application. He never contents himself with a partial investigation or exposition of a subject. During the last five years, he has written and published, in the course of his official duties, elaborate opinions on a great variety of legal subjects, and his pen is now extensively employed in this way.

He was called to San Francisco again in February, 1868, to hold another term of the United States Circuit Court. It will be sufficient to say that on this occasion he sustained the reputation he had before established.

Judge Deady is a close observer of all passing events. Nothing escapes his attention. It is not too much to say that he is regarded as an authority in Oregon affairs, and that his opinions on public questions are consulted and treated with respect by the people of his State. He never attempted to acquire the art of extemporaneous public speaking. His mental constitution and habits are not such as would lead him to engage in it, or enable him to be successful before popular assemblages. He is too much like the man that Antony professed to be—that is, "a plain, blunt man," who "speaks right on." He has no patience with small expedients and temporary fetches. But though he is not a man who is likely to acquire a showy and noisy popularity, he will always command public respect; and it is well known to those who know him intimately that no man more fully sympathizes with popular progress. In his estimates of men, he is charitable and generous, and for all young men he has words of encouragement. His political views are thoroughly national, and he believes with Marshall and Jackson that the Constitution of the United States forms a Government, and that it confers powers enough to constitute and maintain a nation. His mind is deeply imbued with the philosophy of history, and readily seizes upon the principles which underlie great political and social movements. His erudition is not merely of the

showy kind, but it is discriminating, far-reaching, and comprehensive. His proper place is a judicial position, and it may be truly said that he is a man who has found his "sphere" in life. All admit that as a jurist he deservedly holds a high rank. He has explored the original sources of legal learning, and traced the many streams from their fountains to their confluence and expansion into the great system which forms the body of our jurisprudence. He is not slavishly attached to old forms; on the contrary, he has done much to eliminate useless rubbish of this sort from the jurisprudence of Oregon. But he has a genuine attachment and even enthusiasm for the simple and liberal spirit of the elementary principles of the common law. He has done much to promote a study of this system and inculcate a respect and reverence for it. The tendency of his mind in this regard cannot be better shown than by a paragraph or two from an address delivered by him in 1866 before the Portland Law Association, a society of young lawyers in the city where he resides:

I urge you not to remain satisfied with such a knowledge as may be gleaned from the modern codes and practice reports. Now, in the freshness and vigor of youth, turn your faces to the past and explore the fields of the common law. As you become conversant with its history, imbued with its spirit, and familiar with its terms and expressions, this will become a labor of love, and a permanent source of profit and delight. It will enlarge your understandings and enrich your minds. Get learning first, and riches afterwards.

Most of the great cases, which have arisen in the courts of the United States, have involved principles and the application of rules which had their root and origin far back in the life of the common law. Without a thorough knowledge and familiarity with these, the great advocates, who won imperishable fame in the trial of these causes, would have been comparatively unknown as lawyers, however great and commanding their native ability.

One word more. Now-a-days, it is the fashion in some quarters to sneer at the common law, as a relic of feudalism and barbarism, and to point to the civil law as the proper source from whence to draw the jurisprudence of a highly civilized and refined people. But I caution you to beware of this spirit, and be not persuaded by it. I admit that the civil law is a great system, and the outgrowth of a great people. Upon the subject of contracts and kindred matters, most prominent in a purely commercial age, it furnishes a refined and enlightened rule of construction and enforcement. As the people who

have the common law for their inheritance, both in England and America, have become devoted to commerce, and increased in wealth and luxury, they have gradually enriched their jurisprudence by assimilations from the civil code. But the law of the Roman Empire is not conducive as a whole to the preservation of personal freedom and independence. It knows nothing of a free representative government, in which the people are continually trained to deliberate upon the public affairs and assist in the administration of the laws. Its principles, procedure and spirit are best adapted to a condition of things, where society is divided into an Emperor and his subjects—the former having an unlimited power of command, and the other only the duty of blind and unquestioning obedience. It knows no authority paramount to the will of the prince.

The laws of a people react upon them, and mould their character and opinions. The common law people—the English race—wherever they go, establish limited governments, with Parliaments and juries; but the people of the civil law—the Latin race—always come under some modification of the empire, in which the will of the prince, emperor or chieftain, is the only and supreme law.

In so far, then, as we discard the fundamental principles of the common law and adopt those of the civil, we are paving the way for the political and social condition of the Roman Empire, in the age of the Cæsars—both good and bad. Probably this is the innate tendency and inevitable result of our Republic, with our diversified and agglomerated population and ever-widening territory.

But be this as it may, the common law is the source and panoply of all those features of our system which distinguish us from the subjects of absolute governments, ancient or modern, either by monarchs or majorities. It was made by freemen for freemen, and so long as you think these distinctions between it and the civil law worth preserving, you should cherish it in private, and exalt it in public.

As a writer, Judge Deady is ready, correct, and forcible, and the power of his pen is acknowledged by all who are acquainted with its productions. Nor are his best efforts in composition confined altogether to the "more weighty matters of the law." A single illustration of his readiness and spirit as a writer may be given. In October, 1864, he was attending the session of the Legislature, then engaged in considering and passing the Code of Criminal Procedure, reported by him. The news of the death of General Russell, then lately killed in battle under Sheridan in the Shenandoah Valley, had just reached Salem. Russell before the war had been stationed in Oregon, and had many friends and acquaint-

ances in that State. A member of the Assembly introduced a series of resolutions eulogistic of the deceased and commemorative of his life and services. The resolutions were pitched on a high key, and among other things the expression in *Measure for Measure*, "to lie in cold obstruction," was quoted. Some prosy wags took hold of the resolutions, and were disposed to laugh them down as *hifalutin*. At the request of their author, Judge Deady wrote and published as editorial the following brief article in the *Daily Statesman* of the 6th October. It is presented here as a fair specimen of his off-hand composition:

IN MEMORIAM.

The Assembly has before it a joint resolution to the memory of the late General Russell, long commander at Fort Yamhill, and lately killed in battle under Sheridan in the Shenandoah Valley. A printed copy of the resolution lies before us. We rather like it. As befits the occasion, it has the ring of the trumpet and a touch of true poetic fire. When a generous people desire "to honor the patriot dead," or "to encourage their gallant living," their language should rise above the prosy platitudes of a constable's writ, or an inventory of goods and chattels. Cold chronology or genealogy may properly speak of George Washington as an individual who was born, lived, and died in America, and came to be President of the United States. But the orator, the poet, and the painter, seeing in him a model and a mark for his countrymen in all ages, hallow him by the power of genius, and make him the "Father of his Country"—"First in war, first in peace, and first in the hearts of his countrymen."

If you would have men die for their country, remember those who thus die. Let the memorial of the brave departed be such as to warm the hearts and elevate the aspirations of those who come after them. The dream of obtaining a monument among the illustrious dead of Westminster Abbey has done more to maintain the dominion, prowess, and prosperity of England than all the gold of her commerce, twice told and repeated.

Thus Rome deified the dead and inspired the living, until, with

> ——brave Horatius,
> The captain of the gate,

a Roman was ever ready to sacrifice himself for his country, exclaiming:

> How can a man die better
> Than by facing fearful odds,
> For the ashes of his fathers,
> And the temples of his gods?

The resolution is couched in the language of eulogy, and so it should be. This is no time to stop to count the spots on the sun, but to paint the radiant orb in full light. Let all that is mortal of our countryman "lie in cold obstruction," but let our memorial be not only worthy of his death and the cause he gave his life for, but a peerless crown, to be worn again by the living, now and to come.

Judge Deady is thoroughly an Oregon man. He takes pride in his State, and believes in asserting her dignity and maintaining her importance as an independent community. The subjoined extract from an article which he wrote for a leading New England publication in the year 1867, furnishes some illustration of this:

As a people, we are much inclined to be satisfied with our own approval, and are not disposed to count or feed voraciously upon the applause of the outside world. Conscious of being in the possession of the best country and climate on the continent of America, and not wishing to "sell out," upon any terms short of a billet for "that better land," we are quite indifferent about advertising ourselves or our belongings. Unlike some of our speculative neighbors, we are not at all anxious to get rid of our bargain, or failing in this, to induce others to come forward and share our lot. But mistake me not. If any good folk see proper, without provocation or temptation upon our part, to visit or migrate to this modern Goshen of ours, we will welcome them in a plain way, and mayhap love and trust them when we have tried them and found them to our liking. More than this our *amour propre* will not allow.

And now, having offered meet incense to our proud provincialism, I may as well admit that I can see no harm, but haply some good, in giving you far off New Englanders an occasional reminder that our "lines are cast in pleasant places," and that here in the valley of the Wallamet, and in the gorges and glens of its two enclosing and protecting mountain ranges, is growing slowly and surely the seat of future empire and wealth. Excuse me if I draw it mild, and write with the brake hard down. I dare not be as eulogistic as I might. I do not wish to make you discontented with your lot. However you may now regret it, you are not to blame because the Mayflower was driven by adverse fortune to land your amiable ancestors upon Cape Cod, while this country might have been had for the taking. Nevertheless, it seems probable that at no distant day the prolific Paddy will, by sheer increase of numbers, compel you frigid people to relaunch the ark of your progenitors and voyage forth to seek a new location for the Yankee nation. In such an event, the mistake of the Mayflower may be corrected. The adventurous Angles and Northmen, you know, tarried in the north of Europe for generations before they found their final home on the island of Britain. When your penates and pumpkin seeds are all safely on board and under

the hatches, give your Palinurus sailing directions for the coast of Oregon. Once here, where wood and iron, wool and water-power are both indigenous and inexhaustible, you will find an admirable opening for the use of your national talents, both constructive and destructive.

The physical constitution of Judge Deady is remarkably good. His figure is large, well proportioned, and fully developed. He is now in middle life, and it may reasonably be expected that he has before him many years more of activity and usefulness.

JUNIPERO SERRA.

FROM THE ALTA CALIFORNIA, OF OCT. 31ST, 1862.

JUNIPERO SERRA, the founder of the Missions which were the first settlements of civilized man in California, was born on the Island of Majorca, part of the kingdom of Spain, on the 24th of November, 1713. At the age of sixteen, he became a Monk of the order of St. Francis, and the new name of Junipero was then substituted for his baptismal name of Miguel José.

After entering the convent, he went through a collegiate course of study, and before he had received the degree of Doctor, was appointed lecturer upon philosophy. He became a noted preacher, and was frequently invited to visit the larger towns of his native Island in that capacity. Junipero was thirty-six years of age when he determined to become a missionary in the New World. In 1749, he crossed the ocean in company with a number of brother Franciscan Monks, among them several who afterwards came with him to California. He remained but a short time in the city of Mexico, and was soon sent a Missionary to the Indians in the Sierra Madre, in the district now known as the State of San Luis Potosi. He spent nine years there, and then returned to the city of Mexico, where he stayed for seven years, in the convent of San Fernando.

In 1767, when he was fifty-four years of age, he was appointed to the charge of the Missions to be established in Upper California. He arrived at San Diego in 1769, and with the exception of one journey to Mexico, he spent all the remainder of his life here. He died at the Mission of Carmel, near Monterey, on the 28th of August, 1784, aged seventy-one years. Our knowledge of his

character is derived almost exclusively from his biography by Palou, who was also a native of Majorca, a brother Franciscan Monk, had been his disciple, came across the Atlantic with him, was his associate in the College of San Fernando, his companion in the expedition to California, his successor in the Presidency of the Mission of Old California, his subordinate afterward in New California, his attendant at his death-bed, and his nearest friend for forty years or more. Under the circumstances, Palou had a right to record the life of his preceptor and superior. Junipero Serra, as we ascertain his character directly and inferentially in his biography, was a man to whom his religion was everything. All his actions were governed by the ever present and predominant idea that life is a brief probation, trembling between eternal perdition on the one side, and salvation on the other. Earth, for its own sake, had no joys for him. His soul did not recognize this life as its home. He turned with dislike from nearly all those sources of pleasure in which the polished society of our age delights. As a Monk he had, in boyhood, renounced the joys of love, and the attractions of woman's society. The conversation of his own sex was not a source of amusement. He was habitually serious. Laughter was inconsistent with the terrible responsibilities of this probationary existence. Not a joke or a jovial action is recorded of him. He delighted in no joyous books. Art or poetry never served to sharpen his wits, lighten his spirits or solace his weary moments. The sweet devotional poems of Fray Luis de Leon, and the delicate humor of Cervantes, notwithstanding the perfect piety of both, were equally strange to him. He knew nothing of the science and philosophy which threw all enlightened nations into fermentation a hundred years ago. The rights of man and the birth of chemistry did not withdraw his fixed gaze from the other world, which formed the constant subject of his contemplation. It was not sufficient for him to abstain from positive pleasure; he considered it his duty to inflict upon himself bitter pain. He ate little, avoided meat and wine, preferred fruit and fish, never complained of the quality of his food, nor sought to have it more savory.

He often lashed himself with ropes, sometimes of wire; he was in the habit of beating himself in the breast with stones, and at times he put a burning torch to his breast. These things he did while preaching or at the close of his sermons, his purpose being, as his biographer says, "not only to punish himself, but also to move his auditory to penitence for their own sins." We translate the following incident which occurred during a sermon which he delivered in Mexico,—the precise date and place are not given. Imitating his devout San Francisco Solano, he drew out a chain and letting his habit fall below his shoulders, after having exhorted his auditory to penance, he began to beat himself so cruelly that all the spectators were moved to tears, and one man rising up from among them, went with all haste to the pulpit and took the chain from the penitent father, came down with it to the platform of the presbiterio, and following the example of the venerable preacher, he bared himself to the waist and began to do public penance, saying, with tears and sobs, "I am the sinner, ungrateful to God, who ought to do penance for my many sins, and not the father who is a saint." So cruel and pitiless were the blows, that, in the sight of all the people, he fell down, they supposing him to be dead. The last unction and sacrament were administered to him there, and soon after that he died. We may believe with pious faith, that his soul is enjoying the presence of God. Serra and his biographer did not receive the Protestant doctrine, that there have been no miracles since the apostolic age. They imagined that the power possessed by the chief disciples of Jesus had been inherited by the Catholic priests of their time, and they saw wonders where their contemporary clergymen, like Conyers, Middleton, and Priestly, saw nothing save natural mistakes. Palou records the following story, with unquestioning faith:— When Serra was traveling with a party of missionaries through the province of Huasteca, in Mexico, many of the villagers did not go to hear the word of God at the first village where they stopped; but scarcely had the fathers left the place when it was visited by an epidemic, which carried away sixty villagers, all of whom, as

the curate of the place wrote to the reverend father Junipero, were persons who had not gone to hear the missionaries. The rumor of the epidemic having gone abroad, the people in other villages were dissatisfied with their curates for admitting the missionaries; but when they heard that only those died who did not listen to the sermon, they became very punctual, not only the villagers but the country people dwelling upon ranchos many leagues distant. Their apostolic labors having been finished, they were upon their way back, and at the end of a few days' journey, when the sun was about to set, they knew not where to spend the night, and considered it certain that they must sleep upon the open plain. They were thinking about this when they saw near the road a house, whither they went and solicited lodging. They found a venerable man, with his wife and child, who received them with much kindness and attention, and gave them supper. In the morning the Fathers thanked their hosts, and taking leave, pursued their way, After having gone a little distance, they met some muleteers, who asked them where they had passed the night. When the place was described, the muleteers declared there was no house or ranch near the road or within many leagues. The missionaries attributed to Divine Providence the favor of that hospitality, and believed without doubt that those hosts were Jesus, Mary and Joseph, reflecting not only about the order and cleanness of the house (though poor,) and the affectionate kindness with which they had been received, but also about the extraordinary internal consolation which their hearts had felt there. Serra's religious conviction found in him a congenial mental constitution. He was even-tempered, temperate, obedient, zealous, kindly in speech, humble and quiet. His cowl covered neither greed, guile, hypocrisy, nor pride. He had no quarrels and made no enemies. He sought to be a monk, and he was one in sincerity. Probably few have approached nearer to the ideal perfection of a monkish life than he. Even those who think that he made great mistakes of judgment in regard to the nature of existence and the duties of man to society, must admire his earnest, honest and good character.

GEORGE GORDON.

By R. P. Avery.

One of the most able and useful citizens of California, from 1849 to 1869, was George Gordon, who died so recently as May 22d in the latter year, aged about 50. He was a man of great practical sagacity and enterprise, and joined to an original mind, strengthened by varied culture and observation, much public spirit and energy of will. Few men have so directly contributed to build up San Francisco, or have taken so large a share in advancing its material interests. Mr. Gordon was a Scotchman, and one of the best examples of his vigorous, thoughtful and thrifty race. He came to California in 1849, leading the first company through from New York by the Nicaragua transit route, and bringing at the same time, by the vessel which he chartered, a cargo of lumber. He published a description of this route and his trip, which was marked by his usual graphic power as a writer. On his arrival in this city he immediately engaged in mechanical and mercantile pursuits. In 1850, he built Howison's Pier, one of the earliest wharves. In 1852, he erected the first block of iron buildings, on Front street, between Clay and Washington. In 1851, he had formed a partnership with Mr. Steen, and the firm established the third iron foundry in the city. Not long after this he bought six 100-vara lots in a body, bounded by Second, Third, Bryant and Brannan Streets, and laid out South Park, the first attempt to establish urban recreation grounds. It was not so successful as he had expected, pecuniarily, although it was eventually surrounded by

buildings, and is still very attractively cultivated as a private park. In 1857, he founded the San Francisco and Pacific Sugar Refinery, and was a principal owner and manager in it at the time of his death. This enterprise created a business which has since assumed very large proportions and become one of the leading manufacturing interests of the State. Mr. Gordon took some steps to introduce beet sugar making, and made researches on the subject during a visit to Europe, which suggested a series of interesting publications. His plan was abandoned for some reason, but the new industry was undertaken by others and has since been put in successful operation. He was always anxious to suggest or encourage new industries, and wrote and spoke frequently in behalf of such, displaying much ability as a political economist and a writer. During nearly the whole period of his active life in San Francisco, he contributed, at frequent intervals, to the leading newspapers, articles over his own name, treating on a variety of topics of practical interest, on which his well-informed mind and clear, logical method of statement always threw light. In reference to the once famous bulkhead question, he wrote a series of remarkably able articles. A powerful effort was being made to give the improvement and control of the whole city front into the hands of a few individuals, and the impolicy of this proposition was strikingly shown by the facts and arguments of Mr. Gordon. In 1859, he wrote a series of articles relative to taxing mortgages, which were admitted to be the ablest publications on that subject. He also furnished to the press many valuable communications on the subject of street grades, advancing views of controlling force. On the occurrence of the great earthquake, in October, 1868, he published a plan of building for protection against such shocks, which was the most striking and practicable of all the suggestions on that subject, and which has in some instances been adopted by builders. He took a leading part in organizing the Earthquake Committee, which has been engaged for some months past in investigating the phenomena and effects of earthquakes, and the methods of protective

architecture. He would have framed the report of this Committee but for his sickness and death. The loss of such a suggestive and earnest mind to a young State was justly regarded as an unusual one, and caused a feeling of profound regret throughout the city, where he was best known and appreciated. The Chamber of Commerce, of which he was an active and influential member, did honor to his memory in a series of resolutions aptly characterizing his merits, and attended his funeral in a body. The British Benevolent and St. Andrew's Societies, of which he was also a member, gave similar evidences of esteem. Two hundred and fifty of his workmen passed resolutions of respect, and joined the long procession of dignitaries and citizens that followed him to his grave. He belonged to the same class of creating and leading minds as Wilson Flint and Capt. Osborn, who went before him. Like them, he was interested in everything likely to promote the manufacturing, commercial and agricultural interests of the State, and applied his fortune and his pen liberally in the direction of his opinions. As was said of him by R. B. Swain, at the Chamber of Commerce meeting, he combined the qualities of a successful business man with high attainments in literature, a rare mechanical skill, a cultivated taste in art, and a general knowledge of science. With a disposition to theorize and suggest, he yet had the capacity to apply practically his theories and the disposition to work out his ideas. Indeed, he was too hard a worker, and laid the foundations of the disease which carried him off by excessive labor and application.

Remarks of George Gordon,

AT THE ORIENTAL HOTEL, SAN FRANCISCO, UPON THE OCCASION OF THE CELEBRATING OF THE CENTENNIAL ANNIVERSARY OF THE BIRTH-DAY OF ROBERT BURNS.

This day one hundred years ago, a small house stood on the roadside near the town of Ayre; it was in a newly planted market garden of some six or seven acres; the

land was leased by a thrifty, hard working, newly married, north Scotsman. The humble cottage had been built by his own hands; love and poverty furnished it, and in it, one day, a century ago, the young wife bore the gardener a son. To her side the rustic mother fondly nestled her first born, and the grave husbandman with love and pride bent over them both; few things could have increased their pleasure. But little did they think that when a hundred years had passed, that day, that cottage, and they themselves, would be celebrated all over the world, because of that new born boy. Yes, so it is: that day was January 25th, 1759. The boy was ROBERT BURNS, the peasant poet of Scotland, the chief bard of a land of song.

The father of the boy appears to have been one of a class of which our country is justly proud. A man of tireless industry, unwearied perseverance, inflexible integrity, independent in spirit, with a heart deeply devotional before his Maker, though perhaps not abounding in charity in matters of opinion, economical almost to parsimony of comforts to himself, but liberal almost beyond his means to educate his children. He was poor even, for a small Scottish farmer of those days. As his family increased, he took a farm at a rent of £40 a year. "It was the very poorest soil," says Gilbert Burns, "I know of in a state of cultivation." He was not successful. Adversity, like a black shadow, followed the good man's steps —followed his young brood on to the sterile farm. The crops failed, the cattle died. The dark night was upon him and his little ones. I know nothing more touching than the recital of Gilbert Burns. "To the buffetings of misfortune we could only oppose hard labor and the most rigid economy. We lived sparingly. For several years butchers' meat was a stranger in the house. Every member of the family worked on the farm to the utmost of their strength. My brother (our poet) at the age of thirteen, assisted to thresh the crop, and at fifteen was principal laborer on the farm; for we had no hired servant, male or female. The anguish of mind we felt at our tender years, under these straits and difficulties, was

very great." And Robert says, in a letter to Dr. Moore, "My father's master died, and we fell into the hands of a factor; my indignation yet boils at the scoundrel's insolent threatening letters, which used to set us all in tears."

Brave old father, brave boys! they toiled well and nobly—but it was bitter toil; and hard struggles had they to bar the door on the wolf that snarled at their lintels for many a year; begrudging them the poor morsels that kept soul and body together, and the few clothes that covered them. After awhile the old man took another farm, on which the family seems to have done better; but after several years, having no written lease, a dispute arose with the owner, which resulted in the ruin of the occupant. The old man lived to know he was ruined: but he escaped the consequent execution. Death sheltered him.

Such were the scenes amongst which the youthful poet first felt within him the stirrings of the mighty spirit which "wakes to ecstacy the living lyre." Hardly fed—for even at twenty-two, when his condition had improved, and he had so risen in the world as to be learning a trade as a flax dresser, we find him lodging at a shilling a week, and writing to his father to say "that his meal was nearly out." We have no doubt porridge and oat cake formed the staples of his banquets. Poorly clothed—for when on the farm he speaks of his "clouterly ploughboy carcase, bare at both extremes in all weathers,"—head regardless of bonnet, feet disdainful of shoes—with but few books, and not more than a sound country education, and borne down by continual poverty; we cannot but wonder how first was kindled within him that glorious fervor of feeling, which, after smouldering in his bosom for awhile, burst out in strains of a pathos so sweet, a humor so exquisite, of a spirit so fiery, so inspiring and exuberant—free as the wind sweeping through his native heather, tender as twilight of the summer eve. What fed the passionate emotions of his soul, and gave them that overmastering strength which in after years developed itself in deathless song? Whence came that

tumultuous love of his, that soft well-spring of gentleness, that delicate glow of fancy, that high range of thought, that buoyant wealth of fun, that instant perception of the beautiful, the ludicrous, the sombre and the grand; and that wondrous power of change, which sent every varying sensation and perception sweeping through his mind—from whence he scattered them, like showers of diamond dust, through his poems?

Whence came they? Ask of Him who made the diamond and the sandstone—the gorgeous flower and the humble grass—the stars and the clouds. It was as if the Espiritu Santu of the torrid zone, magnificent in foliage, and superb in its flower with the dovelike petal, had been transplanted to the miserable northern soil of that hungry farm, and had there taken strange root, and become invigorated and imbued by northern force and freedom, had been fed and not killed by their stormy blasts; and while it retained the luxuriance and bloom of its native tropics, caught the rugged strength and energy of its new home, growing amongst its bleak rocks and on its thin soil a thing of power and beauty—a living exponent of the deep and passionate impulses which slumber in the grave and practical hearts of Scotland.

From the age of sixteen until his twenty-sixth year, when his first volume was published under the modest title of "Poems Chiefly Scottish," we find him with hardy industry turning his hand to various labor; the plow, the scythe and the flail, at which he had few equals and feared no competitors, always stood between him and want. His leisure, he intended to devote with hearty good will to the acquisition of useful information; but his practical resolutions were forever upset, by the wayward impulses of the imprisoned spirit within him. Worldly motives prompted him to walk steadily in paths of routine; but he was irresistibly lifted off his feet by the wings of song, which were unconsciously growing out of his soul. Prudence called him to the affairs of life—inspiration swept him into the regions of imagination. There was a continual struggle between his sense of duty and an overwhelming effluence which flooded his

mind. He walked through a bleak, sterile glen; hard toiling, poorly fed, scantily clothed; with clouds lowering above him, and chilly blasts around him, but all ablaze within. The light would burst through; and it illumed the cold glen, and gilded the rocks, and set the very clouds aglow.

During these years, Burns was frequently subject to fits of profound melancholy. This phenomenon is a very usual accompaniment of the northern imagination. It is the mist which ever and anon envelopes the rugged grandeur of its form—the relapse consequent upon states of high mental exhilaration—the harp, unstrung after it has been intensely strained, and widely swept. Whether this melancholy was a consequence, or a cause, of the exquisite tenderness of the muse of Burns, we will not inquire; but they were intimately connected. As the mist condenses, and waters the grass and flowers on the mountain side, softening and freshening their beauty; the melancholy of the poet bathes the imagery of his songs with touching grace and gentleness. These dark spells give the minstrelsy of Burns that intermittent character, which distinguishes innate and heaven-bestowed genius from mere educational and acquired dexterity. They come like mighty frosts, congealing the outward issues of his song, but leaving the hidden springs open. The visible current disappears, but the waters accumulate within. By and by, something occurs which sets them seething as in a cauldron. His passions as he himself says, would rage like so many devils, until they found vent in song. Internal heat thaws the mute and frozen channels, and away dart the pent-up waters, sparkling and alive; dashing with vivid force and glistening with every color under heaven.

About his twenty-sixth year, he collected and published his first volume of poems, which left him a moderate profit, but did not improve his circumstances. He became very poor—"Hungry ruin had him in the wind"—and despairing of better days at home, had all but embarked to the West Indies as overseer of an estate there. Fortunately his friends interposed, and he was enabled to

visit Edinburgh, where his fame amongst the reading circles had preceded him. Here he got amongst "souls of a finer mould," published a second edition of his poems, took a tour through some portions of Scotland, and after six months of absence, invested with a growing fame, and a good deal improved in a pecuniary sense, he returned home to his mother and sisters, at Mossgiel, to bless them with his little affluence, and make them happy in his honorable renown.

There is a fine moral beauty in the faithful tenderness displayed by Burns to his mother and family. The incense of the world did not intoxicate him. His head turned to his old home. He lighted it with his fame, and succored it with his savings. Let us imitate our national bard, and aye think of the old home! If, in the race of life, we have won worldly gear, let us share our blessings with those loving hearts who tenderly nourished us when we had none but them to shield our helplessness. Now has come the day of reciprocation. Now debtors, we can discharge in part that early debt, to which we owe our being and our success, with its long arrear of interest. Now men, rejoicing in our strength, let us be all the world to those dear hearts, who were once all the world to us; and sanctify our manhood with our earliest loves. Let us not forget; lest when we are old and feeble, our own loved little ones, working out the justice of God, leave us forsaken. If we can mingle our love and our abundance on the modest altars of our boyhood's hearth, and be high priests there and manly ministrants, there is nothing in this world and haply but little in the next, from which the incense of so pure a joy shall rise.

We, in distant California, glory in Burns. Let us do as he did. Let us not be niggard of loving letters to those who never begrudged loving words to us. What if we have to forego some festive scene, or burn some midnight oil; are there not those who have forborne pleasures for us, upon whose tired faces for our sakes the watcher's rushlight has shed its pallid rays? Nor let letters content us. Let substantial mementoes of our love adorn our early homes, little or much as we can—but always

something. Haply the few dollars, or the few hundreds, though little to us, would be mickle to ours. The fire might burn more cheery; the winter's cold more cosily be shut out; the summer sun more pleasantly enjoyed because of our care. The mere money would be the least joy. There would be a lustre about every poor guinea not born of gold. The real sterling would not be that of the marts of commerce. It would be recoined money, stamped and burnished in the mint of a son or brother's love. It will fill their little purses and their big hearts at the same moment, because "our Rab sent it."

Burns, after his return home, made another tour; we find him with an easy, natural grace and nobleness, visiting the eminent, the wealthy and the titled. The Duke of Athol, the Dutchess of Gordon, the Earl of Glencairn, honored themselves by inviting him as their guest. After six more busy and eventful months, during which he settled with publishers, and found himself master of the imposing sum of £500, and a constantly gathering fame, he returned home once more—gave his brother Gilbert a share of his riches, and with the rest started in life as a farmer at Ellisland, with a reversionary interest of a place in the excise; a thing which undoubtedly did him much mischief.

At this time he married the object of his early and continued love. He had become famous and comparatively rich, since he first loved the humble peasant girl whom he married. Highborn beauty had smiled on him, and no doubt lit up many a temporary flame in his tindery composition. Wealth and refinement had courted him; and he was not a spirit to be insensible to their blandishments. But his generous and real heart turns to his early love, with a faith that had not quailed before frowns of poverty, which comparative affluence could not shake, and which the syren song and brilliant future of fame could not seduce. So should it be! His is a dastard heart, which would plight his troth to some loving being ere he goes forth on the crusade of life; but would belie its vow should he return laden with spoils. The Muse of Burns still continued to pour out, with a more or

less abundance her lyric strains. He caught his inspiration in the walks of daily life, amongst his own class, and from the nature in which he lived and had his being. The wings on which he soared were love and humor; his flights were through the free air, and were guided by a fine moral sense. He was not sublime; but beyond any poet, he comes home to the heart, he leads us into the quiet sunlight. The sweet smell of nature salutes us, and the fresh dew hangs trembling on his leaves and flowers. By the rippling streams, on banks and braes and heathery knolls, in the green dell aud along the moorland edge, he takes us. Sometimes his spirit apostrophises the storm, as it sways the lofty pine, and sweeps through the forest with a mighty sigh; but generally it bathes in its tender light something that he can love. His pet sheep, poor Maillie, receives him "wi' her kindly bleat;" his auld mare, Maggie, getting a new year feed of corn; the little mousie rinnin' from her desolated nest in the stubble; the "daisy, wee modest crimson tippit flower"—all come in for a share of his glowing kindness. He lifts the latch of a theekitt cottage. His eye beams on the patriarchal sire, the kindly wife and mother, the blazing ingle, and the open Bible. He watches the bairns as they come dropping in "Frae service out among the farmers roun," with Jenny and her bashful lover amongst them; the plaintive psalm and the solemn prayer ascend to heaven; and the poet's full heart bursts into song. The actors in that scene have long passed away; the husband and the father prays no more; the bairns have lived and toiled and now rest; haply the very cottage has crumbled into dust; but the scene itself remains. The genius of song shone upon it one Saturday night, and by its own transcendant rays transferred it to imperishable plates—flattered in nothing, nor in aught imperfect—but as it was, a group of humble life, drawn with such exquisite truth, that it will stand as long as family love and prayer endure. This touches our hearts.

His own heart is swelling full and over, "and ilka bird and ilka tree" receives its share. But if a bonnie lassie comes along, as to the queen of love, he turns to her; and

investing her with royal robes, woven by his own ardent imagination, pours at her feet the very essence of his devotion and worship. She dies perhaps—it matters not—he sees her beyond the stars, and in a transport of passionate longing, throws himself on the sod, agonized by the distance which separates them, and breathes forth his eloquent soul to "Mary in Heaven." He is not long sombre. Sorrow having found vent in song, like spring clouds after their moisture is discharged in rain, disappears, and the sun comes forth again. With the change, his exuberant humor, second only to his love, comes out and disports itself. He addresses "The Deil," and tells of "Tam O'Shanter,"—"a louse on a lady's bonnet," calls out his fun and wisdom. And where nothing better happens to evoke his quaint humor, it even spends itself on "The Toothache," and a "Tax Collector's demand." His passionate heart and his redundant fancy, continually commingle and effervesce in a tumult of poetry; pregnant with the tonic of high moral purpose and the spirit of freedom, it has furnished a glorious intellectual beverage to our generations past—is as grateful to our palates today, as it was to those of our forefathers.

The farm at Ellisland did not answer. He was courted and caressed by persons in station far above him, and the labor of the farm became distasteful. He unfortunately had been procured an office in the excise, to which he looked in case the farm failed. Doubtless the sternness of necessity, had he not had this office in view, would have caused such attention as would have made the farm successful. He received the place, the emoluments of which were some £70 per annum. This position brought him in contact with profitless company, and induced habits of intemperance. It hampered his noble independence of spirit. His views, right or wrong were opposed to the government, and as he expressed them freely, he was threatened with dismissal. He defended himself with his accustomed eloquent spirit; and though he did not lose his place, his promotion was refused. He felt like a caged eagle, and he beat in vain against his bars. His condition preyed on his mind, and he drank more deeply than before.

Fearless truth has to crouch, under the more imperious need for bread. The carcase is maintained by the slavery of the spirit. Poor Burns felt the chain, and "the iron entered his soul;" but death shortly delivered him.

Is there no hand-writing on the wall at this high festival? Shall we exalt in our poet's glory and take no warning from his closing days—He whom Scotland loved is smitten by Scotland's vice, and shall we not cry out? We make no apology for hanging a national warning at half-mast, upon the lofty monument of the poet's renown —of draping his glory with our mourning and regret. Not with words of blame, but in the accents of sorrow, would we recall the spectacle of that spirit of beauty, degraded and dragged captive by animal appetite—of that glorious effluent of divinity, obscured and polluted by the craving fiend of strong drink. Gloom and poverty sadly curtained his dying couch.

Scotland's earth received her wayward son at the age of thirty-seven, to his last rest; and men woke to the consciousness that a splendid genius had come like a meteor amongst them, and had passed away. A life checkered with the brightest lights, and the somberest shades, had merged into eternity. But he had sunk himself into the hearts of the people, and they loved him. We may safely say that no poet of any people has been so deeply loved as Burns—a man full of faults, but more gloriously full of virtues. His fame has become so knit with his country, that to love Scotland is to love her peasant bard.

Rest thee, noble, leal heart—faithful and impulsive spirit, rest! Long enough hadst thou lived for fame. Thou cam'st like a comet, but though thy nucleus disappeared in a brief space, thy track, full of radiance, remains transfixed in glory in the heavens, and is added to our perpetual constellations. Star after star has since appeared; a crowd of orbs now gem our skies; but in its soft and tender light thy glory still remains, undimmed by time or contrast. Thou hast taken thy place amongst the choral band of Poets, who in all time have chanted the songs of Humanity, and have given utterance to its loves, its hopes, its triumphs, and despairs,—to its pas-

sions stormy as winter on the summit of Benvoirlich, or soft as summer on the Banks of Doon. Thy voice is heard as a sweet tenor—scarce heard indeed when the swell of mighty notes prevail, when Milton's superb bass rolls out, as from the unseen spheres; when again the martial recitative of Scott, or Byron's sonorous baritone peel forth—bnt ever and anon, stealing on the ear with a quiet melody; clear, simple, and true, which searches and plays amongst the tendrils of our nature, stirring the fountains of tenderness within us, until the unbidden tears come forth, and our touched hearts acknowledge a master's power. No more wilt thou sing the songs of freedom, and of love, and of humble life—no more catch up the ancient melodies and ballads of thy country, and transmit them clothed with new and living beauty.

But a nation's tongues take up thy strains; they go, wandering in pathos and power, through the valleys and amongst the hills of thy native land, waking her echoes and sinking into the hearts of her people, softening them and making them brave—they are prolonged beyond her narrow bounds, and carried wherever her sons wander, till the airs thou hast immortalized encircle the earth—and at this moment will ascend from almost every clime a spontaneous thank-offering to the Great Source of all poetry, in gratitude that He woke thy glowing minstrelsy.

MATTHEW HALL McALLISTER.

By Henry E. Highton.

THIS eminent gentleman was born in Savannah, Georgia, on the twenty-sixth day of November, in the year eighteen hundred, and died at San Francisco, California, on the nineteenth day of December, eighteen hundred and sixty-five. He was educated at Princeton College, New Jersey, and bred to the law, in which honorable profession, for three generations, members of his family have achieved distinction. After his admission to the Bar, he practiced successfully in the City of Savannah for twenty-nine years; and during the Administration of John Quincy Adams, filled the post of United States Attorney for the Southern District of Georgia, which had been previously held by his father, Matthew McAllister, under the appointment of General Washington. For many years, Judge McAllister was so fully occupied by the laborious duties connected with his extensive and lucrative practice, that he took no conspicuous part in public affairs; but when, in eighteen hundred and thirty-two, the attempt was made to graft the revolutionary doctrine of nullification upon the policy of the South, he boldly ranged himself with the defenders of the Union and the Constitution, and in the heated discussions which occured during that period, exhibited a breadth of knowledge, a logical power, and a fervid eloquence, which soon marked him for a popular leader. At the age of thirty-five, he was one of the most prominent and influential members of the Legislature of Georgia, and subsequently, for five successive years, represented Savannah in the

higher branch of that body, during which time, in the face of a vigorous and persistent opposition, he effected a radical and most beneficial change in the judicial system of the State, by the establishment of the Court for the Correction of Errors.

In eighteen hundred and forty-five, he became the Democratic candidate for the Governorship of Georgia, and though his party was in a hopeless minority, such was his personal popularity, that he was defeated only by a small vote; and three years afterwards, represented his native State as one of the delegates at large, in the National Democratic Convention which nominated General Cass for the Presidency. In eighteen hundred and fifty, he migrated to California, and practiced law in San Francisco with remarkable success until eighteen hundred and fifty-three, when he temporarily returned to Georgia. At this period, the Legislature of that State were engaged in the selection of an United States Senator, and upon the arrival of Judge McAllister, notwithstanding the fact that he had permanently identified himself with the interests of the Pacific Coast, he was nominated by his friends, and out of one hundred and eleven votes, which were necessary to a choice, he obtained the extraordinary number of ninety-three. So emphatic a compliment has been rarely paid to any man, however eminent, under similar circumstances. In eighteen hundred and fifty-five, upon the organization of the first Circuit Court for the Pacific States, he received the appointment of Presiding Judge, which position he retained until eighteen hundred and sixty-two, when failing health compelled him to resign; and, after forty years spent in arduous labor and rewarded by honorable achievements, he retired into that private station from which it pleased God that he should never again emerge.

Thus have been summarily stated a few of the leading facts in the life of this distinguished man, of whose career, it may be justly said: "*sic itur ad astra.*" Of his intellectual and moral qualities it may be generally observed, that he possessed in happy combination the shrewd practical sense, the keen and analytical power, and the

strong moral feeling, which characterized his Scottish ancestry, and the glowing imagination and the chivalrous honor which grow out of aristocratic systems and ripen under tropical skies. His learning was both extensive and varied; his style, whether in speaking or in writing, clear and rich; and his language apt and precise. His manners were of the old school, so gentle and so courtly that they won for him affection and commanded for him respect. He was kind and generous to all with whom he came in contact, and young practitioners especially, who, in their early struggles, are often chilled and wounded by the frosty patronage, the trampling jealousy, or the hard severity, of their seniors, ever found in him a discriminating adviser and a sympathizing friend.

Illustrations of the correctness of these remarks might be numerously cited, were not brevity part of the design of this sketch. Among those bearing on his professional standing, may be recalled the celebrated case of Kennedy *vs.* The Georgia State Bank, reported in the eighth volume of Howard's Reports of the Supreme Court of the United States, which Judge McAllister argued against Daniel Webster and other eminent lawyers, and in which he was victorious. His argument in this case fully exhibits the vigor of his mind and the profundity of his research, which were even more strikingly displayed after he had reached the Bench, in an opinion which received the unusual honor of being formally adopted by the Supreme Court of the United States. These, however, are but two examples out of many that might be selected from the product of his industry within the wide circle in which he moved.

But perhaps the most valuable services which Judge McAllister rendered to his country and to mankind, were in connection with the development of the great communities which fringe the Pacific Ocean, and which, within twenty years, have fulfilled the prophecy of Bishop Berkeley by carrying civilization to its extreme western limit. In this practical age, in which facts multiply with unexampled rapidity, and the minds of men are profoundly occupied with their own immediate concerns, we are apt

to overlook the importance of contemporary events in their relation to the future; but history has always placed the founders of States among the most illustrious of our race, and to this class the subject of these observations emphatically belonged. The head of a large and distinguished family, at an advanced age, surrounded by associations from which it must have been most difficult for him to escape, he severed the ties which bound him to his native State, crossed a continent, and in a country scarcely redeemed from barbarism and exceptional in all its conditions, established centres of usefulness and of influence, which have most powerfully contributed to the rapid, but symmetrical and steady, progress that has attracted to the Pacific Coast the wondering admiration of the world. Not only this, but in his place on the Bench, with great questions to decide, in the solution of which he was almost unassisted by precedent, he most actively and beneficially participated in the just application of legal principles to anomalous and intricate combination of fact, and thus rendered to society, perhaps the greatest benefit that wisdom and learning can confer. The single volume of his opinions, edited by one of his sons, is a monument to his memory which will excite the attention and respect of future generations, and the utility of which will be coëxtensive with the existence of the Union.

The death of Judge McAllister was sudden but not unexpected. In the various Courts of San Francisco—Municipal, State, and Federal—the usual honors were paid to his memory, and were accompanied by eulogies, both from the Bench and from the Bar, more than ordinarily earnest and impressive. The funeral ceremonies were rendered highly imposing by the number, the respectability, and the sincerity, of those by whom they were witnessed.

To those who enjoyed the advantage of a personal acquaintance with Judge McAllister, especially to the narrow circle where his inner life was spent, there are other thoughts and other feelings suggested by his death, which are best unuttered. "*Quis talia fando. temperet a*

lachrymis." With reverential tenderness he was committed to the peace and serenity of the tomb. There, in that beautiful cemetery, overlooking the Pacific, where the war of our hard and struggling life cannot penetrate, and where the western breezes make soft music amidst the graves of the unforgotten dead, he shall calmly and securely sleep, while in the metropolis of California his descendants shall worthily transmit his lofty virtues and his intellectual fame, and throughout the Pacific Coast, society, ever expanding and ever improving, shall permanently feel the impulse of his labors, and shall preserve his name on the roll of its most illustrious Pioneers.

JOSEPH G. BALDWIN.

By J. G. Howard,

AUTHOR OF THE "BLOVE PAPERS."

The father of Joseph G. Baldwin, a native of Connecticut, emigrated to Virginia at an early period of his life; and after a few years' residence in his adopted State, married a lady of his own name from Maryland, whose uncle subsequently became very distinguished in the judicial annals of Virginia. That father still lives at Lynchburg. Born at Staunton, in the county of Augusta, on the 22d of January, 1815, we find young Joseph, at the tender age of twelve, developing unusual business precocity and earnest self-reliance in the performance of the arduous and responsible duties of a Deputy District Court Clerk in his native town. Still further illustrating his youthful energy and early mental capacity, we hear of his assuming the entire editorial control of a popular newspaper, at Buchanan, in the county of Rockbridge, at the very boyish period of seventeen. And it may be here remarked with propriety, that no better instance can be adduced than the individual now under review, of the tendency of our peculiar institutions to foster and reward the unaided efforts of the emulous offspring of comparative indigence.

How he acquired his legal knowledge, save by night vigils, cannot be told; but a comparative lad of but nineteen years of age, he is next seen at DeKalb, in the State

of Mississippi, springing into legal notoriety, and the caressed and intimate associate of such luminaries as Wiley P. Harris and J. T. Harrison, and that marvel of modern oratory, S. S. Prentiss. Between him and the latter arose upon the instant an enduring regard, stronger than the ties of brotherhood. It was the sudden meeting of kindred genius—the blending and coalescing of two master-spirits. It was wonderful, the strange affection that knit so indissolubly together those two nervous minds. It was just as the great advocate was embarking at New Orleans to breathe his last in his loved Natchez. He turned away from the coterie of almost worshiping ones who surrounded him, to his devoted friend, Colonel Alexander Walker of the *Delta*. "Alec, be sure," said he in that melting voice of his, "to write my love to Joe Baldwin. *I* have written my last on earth. A great man is Joe. He has no superior as writer and lawyer. He comes the nearest to my idea of an universal genius." It was the tribute of dying worth to living excellence.

At twenty-one, young Baldwin repaired to Sumpter county, in the State of Alabama, continuing the practice of his profession with renewed zest and extraordinary success, until summoned by the voice of the people to the State legislative councils. In '44, he acquired much oratorical reputation as an electoral canvasser on the Whig ticket; and in 1849 was defeated by Col. S. W. Inge for Congress, by 250 votes; yet establishing his personal popularity in that violent Democratic State by securing the suffrage of every county in his district but one.

At that time, the practice of the law in that section of the country was somewhat peculiar. The attorney was in the habit of traversing his entire judicial circuit. The termination of this protracted itinerancy left him but a scant space of some two or three months for devotion to his home clientage. It was during one of those hurried intervals, and while fretted with an extensive and lucrative practice, that he indicted by snatches and at candle light, that series of sketches now so popularly known under the soubriquet

of *The Flush Times of Alabama.* I regard it almost a matter of supererogation to descant upon the merits of this production, now so generally diffused throughout our land. Its title and class of topics, somewhat repugnant to the staid and scholarly mind, would associate it with that careless, and roistering and rollicking, mass of ephemeral exudings with which the press has teemed for several past years. Its perusal dissipates such disparaging notion. That it was hastily composed is no argument against its intrinsic worth. It was the first literary essay of a mind crowded with thought and replete with exquisite imagery—the primitive yield of a rich virgin soil—the gleeful bubbling of a full, and till then undisturbed fountain. Occasionally descending into the provincialisms and sectional eccentricities of a class with whom the author was brought in contact, the reader is never annoyed with tameness or startled by vulgarity. There is a genial and bounding mirthfulness throughout, with no offensive or wounding syllable. He riots in ludicrous delight, with the peculiarities of the nomadic bar, and yet so hearty and refined are his strokes of humor, that he enhances his victims in our estimation. There is nothing of that gross caricature in the *Flush Times* that so pleases the unlettered crowd. It would be difficult not to admire old Chasm in his fierce battle against the legal fledgling. While venting such gall as never issued from the mouth of Timon, he maintains the dignity of a veteran lawyer, and interweaves the most apposite and learned quotations in his classical and scathing invective. Apart from the emanations of convulsing wit that scintillate and sparkle along each page, this work has a higher charm of pure, classic diction. It contains no violation of the most rigid literary taste, or the most elevated chastity of thought; and it almost groans under its affluence of cunning fantasies of language, and merry conceits, and adroit suddenness of situations.

There is one serious effort in the collection that becomes extremely pathetic as we recall the relations that existed between the writer and the subject. A survivor

is portraying the attributes of his deceased friend; and it required just such a golden pen to trace the bright and glowing theme. They had been companions; and many a time and oft had pierced the drowsy ear of night with their chaste but uproarious hilarity. It may be a defect of both taste and judgment on my part, but for purity of style and richness and copiousness of illustration and sententious analysis of character, I have encountered nothing superior in the English language to Judge Baldwin's essay on the life of S. S. Prentiss. It is a dense repertoire of salient thought enveloped in spotless Saxon robe; and yet the writer scarcely ever crossed the portals of a hedge school-house.

He has written another work, of a character so divergent from his humorous essays that it puzzles us to conceive them the issue of the same brain. His "Party Leaders" is a careful and philosophic product of his maturer years. A reviewer, who would mould public opinion to his behests, once pronounced its style "ambitious." It was the sneer of envy and malicious detraction. The language of this superior treatise especially embodies the elements of nervousness and simplicity, while the arrangement and marshaling of his facts develop the highest order of logic. I am more than willing to rest the literary fame of my deceased friend upon this single production. It has already noiselessly crept into the classics of the day, and has received the stamp of merit from English approbation. Not, perhaps, in the disjointed times of the present, but the future statesman will garner it up as the most reliable contemporaneous biography of those great spirits who thought and acted for the rude masses of our generation; and it will become his encyclopædia from which to cull pregnant political facts that would otherwise have glided into oblivion. He will ponder over its close analysis and amazing fertility of thought, and award that due commendation to its brilliant author, of which our people are somewhat chary.

Judge Baldwin was extremely careless of his literary reputation. Penning with utmost ease and facility, he

adopted no method, but wrote only when "in the mood;" and he strewed his prolific manuscripts around with the recklessness of a spoiled child, the playthings of which he was weary. I know, however, that had he not been summoned away, he would have devoted himself to the master effort of his life. He had already amassed the materials for a philosophic history of this portion of the Pacific coast. With wealth sufficient for literary retiracy, engirt on all sides with admiring and loving friends, and in the full flush and vigor of his powers, it might well be augured that he would achieve something of honor to the age. But the great and good God willed otherwise.

It now becomes necessary to say something of his legal attainments and forensic ability. It is a very stupid error of the illiterate that the limited mental constitution of a man does not permit excellence in more than one intellectual pursuit; and hence their loathness to intrust litigation to a lawyer who is detected in anything that savors of abstract intellectual pursuits. But the vast learning and continuous writing of Cicero debarred him not from his patrons, nor impaired his powers of oratory. It is learning that gilds and renders attractive the drudging professions; and hence the illustration of Macaulay on this very matter that the fleet ostrich employs its wings as well as feet.

Contending against a voice by no means attractive and a physique ill adapted to the graces of the higher rank of oratorical efforts, Judge Baldwin had at his command forcible and terse and pointed language, that never failed to arrest the attention of both judge and jury.

In another connection, allusion has been made to the severe logical cast of his mind, and yet, with the rarest versatility and relief, while avoiding all attempts at rhetorical flourish, he would bring to bear the most inimitable and exquisite powers of illustration. About the most arid and uninviting legal abstraction, he would weave some happy simile or anecdotal coincidence that would captivate the understanding of the most obtuse.

In 1853, Mr. Baldwin left Alabama, reaching California in the early part of 1854.

With a mind stored with every phase of legal learning, both as counsellor and advocate, he had achieved distinction in his olden home; and it is not surprising therefore, that in the new State of California he should rank at once among the most eminent of the bar of San Francisco. His success was commensurate with his marked ability. His professional prominence secured him the position of a seat upon the Supreme Bench, to which he was elevated by the voice of the people, in the fall of the year 1858.

The manner in which he discharged the duties and responsibilities of this new and untried sphere mounts into the marvelous and borders upon the realms of fable. At the outset of his judicial career, there was a constantly increasing calendar that had already swollen to the frightful number of near 600 causes—an Augean stable of diverse and intricate litigation that might well appall the most herculean Judge. At the termination of his term of office, the portentous calendar was cleared; and it is within bounds to say that four-fifths of the serried and confused mass had passed through his laborious hands—an amount of continuous toil unexampled in the annals of judicature. More than any other of our Supreme Judiciary, has he contributed to elucidate our infant system of laws and the novel and perplexing questions that have sprung up under our peculiar situation and varied pursuits. He combined unwonted industry with most consummate ability. His adjudications are models of clear and logical perception, and reveal the most extensive research, and stringent power of analysis, and copious and refined illustration, and are characterized by grace of style, and scholarly learning and sound deduction. In little while, he reared his name among the most distinguished and erudite of the jurists of the land.

The State of California should be very proud of Judge Baldwin. He has been intimately and prominently associated with her history for the last ten years. Even his salient and epigrammatic wit, generally so transitory, is interwoven and will become traditionary with the striking events that provoked its flashing.

The manners of Judge Baldwin were of a frank and simple nature, with a sweet intrusiveness of social temperament that disarmed all reserve and beckoned immediate companionship. He united the highest order of conversational powers to the fascination of his exhaustless flow of racy and pungent humor; and yet had he a manliness of character and a stern sense of right and a high principle of honor that won the esteem of the great and good with whom he was brought in contact. Such as he could never foster a sordid feeling. His pockets were ever open to every charitable appeal. He esteemed his race, and his checkered career is marked at each footfall with the most passionate affections. Towards those he loved he manifested the tenderness of girlhood. I have seen the big tear-drop course down his cheek as he would mount in glowing panegyric upon his great political chieftain, Henry Clay. He has gone to his long home, leaving no enmity behind. As son and husband and father he was the idol of devoted love. It was only a few weeks before his death that he buried a darling boy; but they met again in the spirit-land. It is almost wrong to weep at the final departure of such a man. Upon his garments rests not a stain. He is in bliss and with his God: would we recall him to a life that at best is full of sorrows?

W. L. Garrison

CORNELIUS K. GARRISON.

By William Y. Wells.

This gentleman was born on the Hudson river, near West Point, on the 1st day of March, 1809. His ancestors were Hollanders, and among the first settlers of New Amsterdam: on the father's side the Garrisons and Coverts, and on the mother's the Kingslands and the Schuylers—among the earliest of the old Knickerbocker families. His father, Oliver Garrison, was at one time a large capitalist, but lost his property when Cornelius was quite young. The latter, at the age of thirteen, left his home and found employment in the carrying trade on the Hudson river, following this occupation during the business season for about three years. Alive to the value and necessity of an education, he diligently applied himself throughout the winter months when the navigation of the river was suspended, to study at a country school. At the request of his mother, he abandoned the river and went to New York city, to learn architecture and the building trade. He remained in New York three years. The knowledge which he acquired of architecture during that period was extensive, and valuable to him in the years which immediately followed.

At the age of nineteen, young Garrison removed to Canada, where for five or six years he was actively engaged in the erection of buildings, and the constructing of

steamboats on the great lakes. During his residence there, he became a married man, espousing a lady of Buffalo, New York.

In Canada, Mr. Garrison acquired the reputation, which he has ever since enjoyed, of being a reliable, clear-headed, and sagacious business man. The Upper Canada Company—one of the wealthiest in England, and owning extensive possessions—gave to him the general supervision of the Company's affairs in the province; a trust upon which he entered, but which he soon surrendered, owing to the threatened outbreak of hostilities between England and the United States, growing out of the border difficulties existing at the time. Having led an active life in Canada for nearly six years, Mr. Garrison returned to the United States, and went to the Southwest, where he long followed the same business he had so successfully prosecuted in the British provinces, and was also engaged in several other important mercantile enterprises connected with steam navigation on the Mississippi.

About the time of the discovery of gold in California, Mr. Garrison removed to Panama, where he established a commercial and banking house. This enterprise was the most successful of any which had thus far engaged his attention. In the latter part of the year 1852, being then on a visit to New York city, with a view to establish there a branch of his Panama house, our subject accepted an offer made him by the Nicaragua Steamship Company, to take the San Francisco agency of their line of vessels.

A sketch of Mr. Garrison's seven years' residence in California would almost involve a history of San Francisco during that period. He landed in that city when the newly-established Nicaragua Steamship Line was rapidly declining under inefficient management, and had fallen into disrepute by the terrible calamities of the *Independence* and *S. S. Lewis*. The Mail Steamship Company, with its splendidly equipped line under the able direction of Captain Knight, was in the full tide of success, and it seemed that the rival line, growing more

and more unpopular with each new disaster, must soon pass out of existence. Mr. Garrison arrived, March 23d, 1853, on the steamer *Sierra Nevada*, with a salary of $60,000 per annum, and $25,000 additional, as the agent of sundry Insurance Companies. The effect of his administrative ability upon the fortunes of the Nicaragua Transit Company was immediate. From being on the verge of dissolution, it sprang, as if by magic, into life and prosperity. The new agent promptly reorganized the service in every department; recommended the building of several fast ocean steamships, which in due time made their appearance around Cape Horn, he, in some instances, having a proprietary interest in the steamers and placing them on the line as an individual enterprise. Imbuing the Company in New York with his own indomitable energy, he induced Vanderbilt to establish a line of serviceable steamers on the inland waters of Nicaragua. An excellent road was constructed from San Juan del Sur to Virgin Bay, and the navigation of the San Juan River was improved. At the same time he made a strong bid for carrying the mails—letters being taken free to induce patronage to that route—and finally, an equal portion of the treasure shipment was secured. The traveling public admitted that "a power in the land" had appeared, and the Nicaragua route was transformed, from a condition of apathy and decay, into vigorous prosperity, mainly by the energy and will of one man. The steamship competition of that day has never been paralleled in the history of ocean navigation. Its influence extended far and wide, and the rivalry, strained to the utmost tension of conflicting moneyed interests, gave a tone to every department of business on the Pacific coast.

About six months after his arrival, and perhaps before he had come to fully understand his adopted State, Mr. Garrison was elected Mayor of San Francisco. He might fairly have claimed exemption from additional burthens, considering the herculean task he had undertaken in the sphere of his legitimate business. The distinction was wholly unsought by one whose tastes and occupations through life had been outside of the political arena.

His immediate predecessors, Messrs. Harris and Brenham, had filled the Mayoralty with marked ability and success, and it may be supposed that he entered upon his duties with some misgivings as to his qualifications for a field thus new and untried. It was soon evident, however, that the same sound judgment and executive talent that could grasp and prosperously control steamship lines and banking institutions, could with equal facility administer the affairs of a community. His inaugural address, delivered in October, 1853, to the two branches of the Common Council, was a model of plain, unpretending common sense, abounding in practical suggestions, going straight to the point, and quite devoid of flourish or attempt at oratorical display. He acknowledged the weight of the responsibility, and pledged himself to devote his best energies to the interests of the city.

A month later, he submitted a message, which may challenge any paper of the kind, in sound business ideas and financial propositions. It contained the germs of what became, years afterwards, the rallying cries of reform in the administration of the city government. The first outspoken denunciation in any official document, of the disgraceful public gambling then prevalent in the many saloons in San Francisco, and the first rebuke of Sunday theatricals, with a recommendation for ordinances for their suppression, are found in this message. And it was not merely a verbal protest against the evils described. Mr. Garrison never ceased to wage war against them until the desired reforms were completely effected. The crime of a public gambling hell has never blackened the fame of San Francisco since Mayor Garrison's term. For this act alone he is entitled to the gratitude of all who respect morality, decency and good order. The first proposal of an Industrial School for juvenile delinquents, who should thus be separated from contact with the hardened criminals in the cells of the city prison; the earliest suggestions of a tariff of hack fares for the protection of strangers from extortion; the taxation of non-resident capital, millions of which were enjoying all the protection and benefits of Government without contributing in the least

to its maintenance; the building of substantial, well-ventilated school houses in place of the shanties then used in various districts—these, among other proposals equally sensible and at that time novel, were embodied in the message. There was also a plain and comprehensive statement of the city indebtedness, with well-digested plans for its liquidation, and placing the public finances upon a healthy basis—all showing that an earnest and thorough-going business man was at the helm.

This message is here inserted, nearly in full. Although a lengthy document, yet it possesses great historic value, and no San Franciscan should neglect a careful perusal of its sound, practical suggestions, and the interesting view which it presents of the condition of the various departments of the city government, sixteen years ago.

MESSAGE OF MAYOR GARRISON, delivered to the Common Council of the City of San Francisco, Nov. 15, 1853.

To the Honorable the Common Council of the City of San Francisco.

GENTLEMEN:—In fulfilment of a duty enjoined on me by the charter of the city, and a promise made at the time of my induction into office, I beg leave respectfully to communicate to you the following statement of the indebtedness of the city, and its financial condition, on the 22d of the past month, together with the estimated receipts and disbursements for the remainder of the fiscal year. I have also appended my views, founded upon a thorough examination of all the ramifications of the government, in regard to the evils and abuses which have so long existed in the conduct of our municipal affairs, with the hope and conviction that the Common Council will coöperate with me in making the corrections which are necessary to the well-guarding of the public treasury from abuses, the just and economical administration of its finances, and high-toned credit of the city.

As will be seen from the following table, the entire indebtedness of the city, on the 22d day of October, 1853, was as follows:

Funded Debt		$1,500,000 00
City Warrants unpaid July 1, 1853	$215,647 47	
City Warrants issued from July 1 to Oct. 5, 1853	217,953 84	
City Warrants issued from Oct. 5 to Oct. 22, 1853	23,021 78	
		$456,623 09
Less received by R. Matthewson from treasurer, to Oct. 5, 1853	$58,890 34	
Less received by S. R. Harris from treasurer, to Oct. 22, 1853	95,597 40	
		$154,487 74
		$302,135 35
Warrants issued on account Jenny Lind Building, July 1, 1852	$31,804 94	
Mortgage held by M. Dore	27,792 19	
	$59,597 13	
Less amount canceled by treasurer	5,593 33	
		$54,003 80
Supposed amount of 3 per cent. scrip outstanding, principal and accrued interest	$120,000 00	
Sundry bills in hands of Comptroller, unpaid	14,052 75	
		$134,852 75
Total Floating Debt, Oct. 22, 1853		490,191 80
Total indebtedness, Funded and Floating		$1,990,191 80

By an ordinance of the Common Council, passed on the 5th of September, 1853, the Mayor, Comptroller, and Treasurer were authorized to issue bonds of the city sufficient to obtain an amount equal to its floating indebtness, with an additional sum of three hundred and fifty thousand dollars, ($350,000) for school, hospital, and fire purposes. In accordance with the provisions of such ordinance, proposals were advertised for, to be received and opened by the officers empowered on the 25th of the past month, they reserving to themselves the right of rejection; and although it is a matter of regret that bids were received for only a portion of the amount, and at figures which would not justify their acceptance, no difficulty is apprehended in disposing of the whole amount authorized and required, at an early day, at prices within the bounds of reason, and approximate to their intrinsic value. Upon the accomplishment of the sale, the present floating debt will be extinguished. The funded debt will then amount to the sum of about $2,350,000—the early reduction of which amount will be produced by the provisions of the ordinance requiring the annual raising by taxation, in addition to the amount levied for other purposes, of a sum sufficient to pay the

interest, and one-twelfth of the principal, of the new issue, together with the sum of fifty thousand dollars annually raised for the liquidation of the ten per cents., and the obtainment of interest upon the said amounts yearly invested.

The extinction of her floating debt will enable the city hereafter, if due regard is had to economy, to meet all her liabilities in cash, thus ridding her of the scrip system of payment, and resulting in a saving of at least twenty-five per cent. in her ordinary expenditures. The city treasury alone has been the sufferer from the past mode of discharging her obligations.

The scrip system, founded as it was in corruption, has exercised an influence not only detrimental to the treasury, but pernicious in its effects upon the public officers and the people. It has led to speculations, extravagancies, and malfeasance in the public departments, and exposed the treasury to ruinous abuses, resulting in a debasement of the city credit to a bankrupt state. A credit system, such as this has been, if persevered in, will sink us so deep in embarrassment, as to call forth the just indignation of our people, and remain a stigma upon our Legislature for ever. I congratulate the Council upon the prospect of a speedy removal of this incubus from the body corporate, and the elevation of our credit beyond the reach of speculation and the fluctuation of the street.

The expenses of the city from July 1 to October 22, as per Comptroller's statement, amounted to the following:

Warrants issued, - - -	$240,975 62
Bills not audited, - - -	14,052 37

A portion of which has not been paid by the Treasurer.

The Mayor then submits a lengthy detailed statement of the condition of the city's finances, giving the receipts and expenditures from the commencement of the fiscal year, July 1, 1853, to October 23d, 1853, and also an estimate of the resources and expenses for the remainder of the fiscal year, embracing a formidable array of figures which would, perhaps, fail to interest the general reader.

It will be noted that there is an increase, this year, of $143,000, in the amount of taxes levied over the preceding year. While this increase is commented upon, and complaint founded upon it, it should be borne in mind that a most liberal estimate has been placed upon the property subject to taxation, by the valuations of the Assessors, a fact well known to every tax-paying citizen.

The whole amount returned by the Assessors this year, as liable to taxation, is $28,500,000. No one who is the least conversant with the subject, can deny that the amount should be nearer $40,000,000; a closer approximation to which should be reached by the officers, upon whom the duty devolves, thereby reducing the per centage to its proper standard. It should also be remembered that our city is growing and extending rapidly, and new calls are constantly made upon her for the means of necessary improvements, increasing as we are, daily, in population, and being compelled to accede the privileges and benefits of government to a larger number of citizens, over a wider extent of jurisdiction, a reduction in the present amount of taxation cannot be looked for.

Our citizens, when complaining of the burdens of taxation, and comparing them with other cities, should not forget that while they are paying to the support of their government, two per cent. upon their property, at very low valuations, they are paying much less than the citizens of any other city on the continent, perhaps in the world, in comparison to the relative value of money and the enormous revenues derived from real estate. In our sister cities, the property-holder willingly submits to the imposition of a tax of one per cent. upon his estate, while the revenue he receives from it seldom exceeds six per cent. per annum. Here, where the revenue derived from money and property is from five to six times as great, and the tax levied only double in per cent., the common and popular cry of onerous taxation is not, certainly, founded on fact or good reasoning. At the same time, it is your duty, and I shall make it my especial duty, to see that our citizens are not called upon to pay more than is actually required to carry on the government

justly and economically; hesitating to open new sources of expenditure, unless actually necessary to the proper and good government of our city.

I would recommend that early measures be taken to procure authority from the Legislature for the taxation of non-resident capital, millions of which is now invested in this city, enjoying all the benefits and protection of the government in its employment, without contributing in the least for the cost of its maintenance, thus throwing an amount of taxation upon our people which they should not in justice be called upon to bear. The importance of this matter must be obvious to all, and I trust it will receive your early and serious attention.

A great falling off in the receipts of the city from licenses has taken place this year, in consequence of the defects in the license law. Without undertaking to enter into the question of the justice or legality of the provisions demurred to, I would suggest that your immediate attention should be given to the subject, and prompt and decided steps taken to remedy the evils complained of, and save the treasury from the great loss that must ensue if the present provisions of the law are insisted upon.

It is a source of pride and satisfaction to me, as it must be to you and our citizens at large, to know that the interest upon the Funded Debt was promptly paid on the 1st instant; in addition to which the sum of fifty thousand dollars has been paid over to the Commissioners on account of the redemption of the bonds.

The punctual payment of our interest has imparted an increased confidence to holders, and enhanced our credit at home and abroad.

The greater portion of the contracts entered into by the city, for the construction of wharves on the city front, have been complied with, and the majority of them are paying a revenue to the city.

There are litigations pending in connection with a portion of them, which it is hoped will soon reach favorable terminations.

Monuments of man's enterprise and the commercial

greatness of our city, they cannot but excite in us feelings of pride and admiration.

The work of grading, planking, and improving our public streets, has been for some time in prosecution. It is to be regretted that a commencement had not been earlier made, and more vigorous efforts used towards completion before the setting in of the wet season.

A tardiness has been manifested in the fulfilment of contracts, which merits and should receive the condemnation of the department, and subject the delinquent contractors to forfeiture of their contracts.

Many abuses have existed in this department of the government; contracts have been loosely, and in some cases, illegally entered into, involving the expenditure of immense sums of money, and conflicting with the rights and privileges of citizens. It is due to the property-owners and to the interests of the city, that the attention of the Council should be given to a thorough investigation and remodeling of the contract system, in order to preserve the city from the expense of endless litigations, which must ensue if the contracts are not properly and legally entered into and complied with.

The total amount of assessments levied for street improvements, is - - -	$927,444 21
Of which the city pays for crossings, -	127,643 21
Amount to be borne by property-owners,	$799,801 00
Of which has been suspended for your investigation, - - - - - -	524,379 71

Should your investigations prove that these contracts cannot be sustained by law, and that the city and the property-owners are liable to be drawn into collision in consequence, I would recommend that new lettings be made in due form, payable in cash, and the amounts reduced from the credit to the cash system, thus saving a large amount to the owners of property, while the contractors will not suffer, but rather gain by the change.

It is worthy of your consideration whether a corresponding reduction cannot be made in the expenses of the other departments, which I have no doubt can be

effected without doing the least possible injustice, or reducing the actual compensation of any person.

The contingent fund, which now reaches annually an enormous amount, needs your attention and examination. It is this fund from which generally spring the leakages of large corporations, and the Council cannot be too jealous of its continued increase.

I would recommend that vigorous measures be adopted for the immediate recovery of the claims held by the city for unpaid assessments, a large amount of which has been allowed to sleep for a long time past, without any means being taken to enforce their collection.

I would also recommend an early sale of the city property other than that required for city purposes. The wealth of the city in property now wrongfully detained from her by other parties is sufficient, if made available, to liquidate her whole indebtedness, create a fund ample for the purposes of education, and remove all fears of future embarrassment. Measures should be taken to place her in possession of her just rights, which have been so long neglected and withheld from her. There is no good reason why she should be deprived of the benefits of so much wealth, and others be permitted, without the shadow of right, to enjoy its revenues, while she is groaning under the burdens of indebtedness.

The condition of our public schools is such as to call for the most prompt and effective action of the Common Council.

It seems that this branch of the public service has not received that attention and fostering care which its great importance demands. I regret to find that while lavish appropriations have heretofore been made for, and unscrupulously squandered on, other branches of the government, our schools—the nurseries of the future greatness of our people—have been inexcusably neglected.

The buildings in which the children of our city are daily congregated for purposes of instruction, are totally unfit for the uses intended. Mere shanties, erected without regard to health, convenience, or moral fitness of locality, they are disgraceful to the city and the times,

and entirely inadequate to the requirements and spirit of that system of education which has long been the admiration of the world, and to which we must look for the perpetuity of our nationality.

The world knows, and I trust we not only know but feel, that popular education is the guiding-star of the Republic, the secret of American greatness: therefore, to neglect it is criminal—to bend all our energies to its most complete perfection is our duty.

I would impress upon you the great necessity of speedy steps being taken for the erection and furnishing of suitable buildings, of substantial construction, well ventilated, and adapted to the healthful and proper education of the children of the city. There are portions of the School Lands now used for other and improper purposes: these should be immediately reclaimed and devoted entirely to the purposes for which they were designed. The buildings should be properly fenced, and playgrounds should also be set apart for the children in the intervals of study, as care should be taken of their physical health as well as their mental culture.

The amount of $100,000, upon the negotiation of the new issue of bonds, will be devoted to school purposes. This sum will do much towards the accomplishment of the desired end, and place our common schools in a condition that will reflect honor and lustre upon the system, instead of being, as at present, ineffective in its operation and reproachful to the city. It is only to be regretted that your predecessors had not a more enlarged idea of the educational system, and had not set apart a greater sum for this purpose.

The want of an asylum or House of Refuge for juvenile delinquents is severely felt, and the establishment of a properly organized institution for their confinement and reformation, should engage your warmest sympathies and early action. The present mode of consigning our youthful criminals to the cells of the city prison, is productive of the most pernicious effects to them and to the community at large. Thrown in contact, as they now are, with the vicious and the hardened, they emerge from

their place of durance only to enter upon new scenes of vice and pursue bolder degrees of crime. The establishment of a House of Industry for their benefit, I think, is deserving of your serious attention, not only as guardians of the public weal, but as philanthropists and enlightened men.

The ladies of San Francisco, with that benevolence and laudable zeal which is so characteristic of their sex, I am happy to be able to say, have taken the orphan children of our city under their especial care and protection. A commodious building for their accommodation has nearly reached completion, raised altogether by their commendable industry and exertions.

If there is any thing calculated to excite our warmest sympathies, and bring into life the purest feelings of man's nature, it is the condition of the lone orphan, especially in this distant land, where he is often left with no parent hand to guide him through the mazes of a city's wilderness, no parent's tongue to teach him the destinies he was born to. We cannot award too high a meed of praise to those ladies who have so nobly, diligently, and successfully labored in the orphan's behalf.

The condition of our public streets is a subject of serious complaint. Health and cleanliness demand that means should be taken to stringently enforce the city ordinances, and to prevent our thoroughfares being made the common depositories for refuse and garbage, and to secure the infliction and rigid collections of fines for every violation of those ordinances. The occupants of the different markets within the city should be compelled to remove all their refuse matter beyond the city limits, thus preserving some degree of cleanliness in those localities. It is due to our constituents that some regard should be paid to their health and comfort; and although the condition of the treasury will not warrant the expenditure of large sums for the purpose, an honest attempt, at least, should be made to mitigate, as far as possible, the evils of which just complaint is made. I would suggest that inquiries be instituted to ascertain the expense of keeping the streets in good condition.

The temporary suspension of the works of the Mountain Lake Water Company, in their present advanced state, is to be deplored. That such an important undertaking has not met with more earnest encouragement and pecuniary aid, is unfortunate. I am happy, however, to be able to say that there is every prospect of an early resumption of their work, and of an abundant supply of pure and wholesome water being introduced into the city. The projectors of this enterprise are entitled to the gratitude of the community for the public spirit which has guided their endeavors to procure for our citizens benefits so decided and invaluable.

The works of the San Francisco Gas Company are reaching a speedy consummation. The laying of pipes through the streets has for some days been in progress, and in a few weeks we shall be enjoying another of the fruits of a concentrated and well-directed use of capital.

I would urge upon your honorable body the importance of some plan being adopted for the improvement of the public Plaza, and would recommend its being properly graded, curbed, and enclosed with a neat and substantial railing; sodding and ornamenting it in such a manner as will render it an agreeable promenade instead of its remaining, as it now is and has long been, a public nuisance and disgrace. The plan of loaning the parks of the city for purposes of private speculation and gain, merits, I think, the condemnation of us all.

The condition of the Fire Department is a source of pride and gratification. It numbers thirteen engines, thirteen hose carriages, and three hook and ladder companies, all in a complete state of effective organization, with twelve hundred names of members upon the rolls of the department.

I cannot too highly commend the honorable zeal with which the members of this department respond to the frequent calls for their services, and their great fidelity to the trust reposed in them. Millions of dollars' worth of property has been saved to us by their prompt and united action, and a sentiment of pride and confidence imparted to the public mind, reflecting honor upon the

one and engendering a feeling of security in the other. As the members of this department devote their valuable services to the city, without pay or reward, hazarding, and too often sacrificing their lives, in the performance of their arduous duties, they deserve and should receive our warmest acknowledgement and fostering care. Measures should at once be taken for the construction of buildings suitable for the accommodation of their apparatus, and the purchase of new engines, in accordance with the provisions of the ordinance authorizing the setting apart a portion of the proceeds of the further issue of bonds for that purpose.

In the estimate for the expenses of this department will be found included an item of $7,000 for the construction of seven new cisterns, which are needed in certain portions of the city, now deprived of the protection they furnish, in cases of conflagration. I would recommend that an appropriation be made for the immediate building of the number specified. Those now in use, numbering thirty-eight, with the proposed addition, it is thought, will furnish an ample supply of water to meet the requirements of the department in ordinary emergencies.

A prolific source of complaint on the part of our citizens and strangers who are daily landing on our shores, is found in the system of extortion practiced by the licensed hack-drivers of the city. I would, therefore, recommend that a tariff of fair and remunerative rates be established for the conveyance of persons from one portion of the city to another, and that penalties should be enacted and rigidly enforced in all cases of violation; thus securing to the honest hackman his just compensation, and relieving our citizens and strangers from the annoyances and exactions that they have heretofore been compelled to submit to.

I would call the attention of the Common Council to the open and public manner in which gambling is carried on in this city; and, although I cannot look to the extinguishment of this vice from the community at the present day, I would recommend that some means be taken to hide this source of human misery and shame

from the public gaze. As now openly practiced, its effects are most demoralizing upon the community, not only drawing into the threads of its nets those in high standing, tempting the hardy toiler from the paths of honest labor, but germinating and encouraging in the youth of our city habits of indolence and desires for dishonest gain, that lay the foundations and nurse the promptings of crime.

Sunday evening theatricals, I think, in this enlightened age, call for a rebuke at the hands of the city government, and I would recommend that an ordinance be adopted for the prevention of their enactment. As a man to be great must be good, so a city and a people must observe the dictates of morality, if it is their ambition to rise to the high summits of human glory. It is to be hoped that the right-thinking portion of our community will lend their example and influence to the exterminating of habits and customs which are inclined to smother or destroy the best impulses of our nature. No nobler sight can greet the eye of man than could be witnessed from the hill-tops that surround us—a people the most industrious and enterprising upon the face of the globe; resting, as they here can rest, in the midst of plenitude and peace, from the labors of the week; rebuking so signally the acts of lawlessness and disorder, showing some degree of thankfulness for the blessings which are here so abundant, and asserting so effectively the power and greatness of free government.

In conclusion, I cannot resist the opportunity of congratulating you and my fellow-citizens upon the rapid growth of our city, the great improvements constantly being made in the extent and architecture of our buildings, the public spirit and private enterprise so visible in every street, affording, as they do, such substantial proofs of our increasing wealth and prosperity. No city of a century can boast finer structures than now grace this city of a day. The world cannot afford such evidences of the power of mind over matter as the eye constantly rests upon here.

The certain and early building of the great Pacific

Railroad, which has not only agitated the public mind of this city, but also of the older States of the Union, will at no distant day bring us in close proximity to the heart of our Union. Its want is not only felt here, but in New York, the commercial centre of the Republic. There, the golden ores which we have dug from our mountains, and washed from our river banks, could soon be given to the smelter, to be rolled into rails (golden rails they will prove to California and to the United States) to be stretched across the Plains, uniting the two great emporiums of the western world.

In connection with the Pacific Railroad, I would remark that a company has lately been organized in this city, composed of gentlemen of wealth and enterprise, for the formation of a line of steamers, to ply between San Francisco and the ports of China, with every encouragement of its being carried into active operation; thus not only connecting us directly with the Celestial Empire, but, by means of steamers now placed on the route from Honolulu to the Isles of the Pacific, making this the port of entry to the whole trade with the Indies and the Pacific. Even now, our exports are more than equal to the entire cotton crop of the Southern States, hitherto the principal staple our whole country has depended on for the payment of her indebtedness abroad, the place of which we have in a great measure supplied, and, without doubt, saved the nation from dishonor abroad and bankruptcy at home.

The telegraph wires are already skirting our hillsides and leaping our valleys, connecting us with the cities of the interior, and drawing them into closer harmony and communication with the metropolis.

Great and wonderful as has been the sudden growth of San Francisco, progressing, as she is, rapidly in all the arts of peace, and enjoying so many of the fruits of science—faithful and enlightened legislation, and the liberal education of the generation who are to succeed us, will alone secure to her the brilliant future that is promised.

San Francisco, Nov. 15, 1853.

The cause of education in California owes much to the substantial aid extended by Mr. Garrison. When money was delayed at the proper source for the building of school-houses, and work had ceased, he advanced the required sums from his own resources. And his sympathies have always been with the poor and lowly. He established the first African school in San Francisco, holding at that early day that, as the negroes were eventually to become citizens, the proper way to prepare them for that condition was by education.

Two great subjects, especially interesting to his eminently practical turn of mind, were never lost sight of—a steamship line to China and Australia, and the exploration of a route for the Pacific Railroad. Not long after assuming the duties of his office, he urged public action to these points, and he was repeatedly a member of committees appointed to report to public meetings on the subject of a railroad. His name heads the list of subscribers to this object. He was also the first cash subscriber in a large amount to build a telegraph line over the Sierras, to demonstrate the feasibility of an overland telegraph line between San Francisco and New York.

There can scarcely be mentioned a charitable enterprise in those days to which Mr. Garrison was not a liberal contributor. It is typical of the man that, during the whole of his term as Mayor, he served the public gratuitously—having at the close of that term drawn a check for the entire amount of his salary, which he divided equally between the Catholic and Protestant Orphan Asylums. The Ladies' Relief Society, the Mercantile Library Association, of which he was created a life member, and many churches, were the richer for his open-handed donations, while innumerable indigent applicants for a free passage in his steamers joyfully acknowledged his broadcast and never-failing benevolence. In the early years of the California fever, hundreds of destitute people, continually collecting at Panama, were gratuitously forwarded thence to San Francisco at a personal expense to him of many thousands of dollars.

In September, 1853, Mr. Garrison headed a move-

ment in San Francisco of the former citizens of Louisiana, to take measures to relieve their fellow-citizens of New Orleans who were suffering from the dreadful ravages of yellow fever, which in that year exceeded in virulence any thing then known. During the month of August, there had been 5,229 deaths. The appeal was eloquent and forcible. Mr. Garrison contributed lavishly to this charity; and the Germans, who held a special meeting to adopt measures for the relief of their fellow-countrymen who were being decimated by the destroyer, passed a vote of thanks to Mr. Garrison for his friendly offer to remit all the funds free of charge to New Orleans.

An instance, out of many of a similar kind, may be selected as exhibiting Mr. Garrison's peculiarly decisive manner of dealing with circumstances. During his term as Mayor, a noted speculator and his gang, in April, 1854, commenced driving a line of piles, by night, across the dock from the end of Long wharf, to that of Clay street wharf, thereby obstructing navigation, injuring the harbor, and jeopardizing the city's title to property of immense value. Shortly after midnight, Mr. Garrison, having been informed of the facts, repaired to the spot, and the exciting scene that ensued is still fresh in the memory of those who witnessed it. He found the police force overawed by the defiant bearing of the parties. The Marshal refused to obey the Mayor's orders to arrest the rioters, ostensibly on the ground that the authority was insufficient. Upon this, Mr. Garrison, acting with his customary resolution, took the affair into his own hands, met the desperadoes with their own weapons, regardless of threats, and, it is sufficient to say, he summarily terminated the lawless proceedings, amid the cheers of the great crowd who had collected upon the wharves awaiting the event. The example was highly beneficial as a precedent for subsequent occasions of a like nature. In July following, a similar scene occurred on Montgomery street, where an attempt was made to fence off Merchant street. The Marshal having again refused to obey the Mayor's orders to arrest the parties, Mr. Garrison assumed the personal responsibility, had the obstruction instantly torn

down, and on the following day, impeached the Marshal, who was soon after removed from office by unaminous vote of the Common Council.

In the year 1859, Mr. Garrison returned to the Atlantic States, and settled in New York city. There he became at once known as a bold and successful financier—a man of vigorous grasp and comprehensive views—the weight of his character and business sagacity being felt in the heaviest transactions of the times. He is to-day one of the leading steamship proprietors in the United States, being the principal owner in many ocean steamers.

Now, when our national commerce is languishing under discouragements which few capitalists are willing to encounter, Mr. Garrison continues to maintain the only United States steamship company with which the Government has a mail contract carrying the American flag on the Atlantic ocean—the important line between New York and Brazil. During the late war, he came promptly with all his remarkable energies to the support of the Government, and with his steamships rendered eminent services to the cause of the Union. It was at this trying epoch that his sterling patriotism was particularly displayed. When the cause looked the most gloomy, and capital began to hesitate, he fitted out, mainly by his own exertions, Butler's Ship-Island expedition, and became personally responsible in England for the principal part of its armament. This was formally acknowledged by Mr. Lincoln, Secretary Seward, Mr. Sumner, and other prominent members of Congress.

After an absence from California of about ten years, the Commodore, who, in times past, had taken so conspicuous a part in ocean steam navigation, especially between San Francisco and New York, and on the Pacific coast, was among the earliest to make the railroad trip across the continent. His visit to the metropolis of the Pacific was not merely to seek pleasure and recreation, but also to build substantial improvements upon his real estate, principally in the vicinity of the city front. Some of the most valuable structures in that part of San Francisco have been erected by him, and a considerable portion of his immense fortune, amounting to sev-

eral millions of dollars, is invested in the scene of his former business transactions.

The Commodore, on his arrival in San Francisco, was met on all sides by the congratulations of his many friends on his evident good health, and kind wishes for its long continuance followed him on his return to New York.

Just one week prior to his departure from San Francisco, he received the following invitation, which, it will be seen, was signed by the leading professional and business men of the city:

SAN FRANCISCO, August 10th, 1869.

Hon. C. K. Garrison—Dear Sir: In token of the very great regard we entertain for you, both on account of your public services and private benefices to the citizens of San Francsico, we, your old friends and associates, beg to ask your acceptance of a farewell dinner, to be given at the Maison Doree, on Monday evening, August 16th, at seven o'clock.

A. J. Bowie, M. D.,
Edmond L. Goold,
Peter F. Doling,
Hon. Henry A. Lyon,
James H. Baird,
Benj. M. Hartshorne,
John T. Boyd,
William C. Ralston,
I. Friedlander,
D. O. Mills,
E. V. Joice,
F. J. Weeks,
Joseph A. Donohoe,
Lafayette Maynard,
Lloyd Tevis,
Jesse Holladay,
J. G. Eastland,
Gen. E. D. Keyes,
Charles E. McLane,
William Alvord,
L. L. Robinson,
O. Eldridge,
Hon. Delos Lake,
Thomas H. Selby,
Hall McAllister,
Joseph P. Hoge,
S. M. Wilson,
Charles Mayne,
Hon. Eugene Sullivan,
F. L. A. Pioche,
A. B. Forbes,
John Benson,
George H. Howard,
William Norris,
H. P. Wakelee.

This invitation was accepted, and the banquet was served with the most sumptuous and elegant appointments. Hon. Ogden Hoffman, United States District Judge; His Excellency Governor Haight, and Hon. Frank McCoppin, Mayor of the city, were present as invited guests. Dr. A. J. Bowie presided, and made the following address:

Gentlemen: This banquet to-night, to the Hon. C. K. Garrison, was prompted by a desire on the part of Mr. Garrison's friends to convey to him, first, their full recognition of the great services he had rendered to this community, in behalf of immigration to

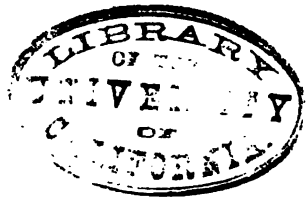
our city and State; but more especially because of his personal endearment to the early surviving settlers and residents of the city of San Francisco. We can scarcely hope, however much we may desire it, that Mr. Garrison will again venture to encounter the toil of another visit to our city, which we know he loves so well, and to whose development and growth he has contributed so largely; and therefore, at one and the same moment, we proclaim our pleasure at receiving him and our regret at parting, by bidding him at this banquet, all hail and farewell!

To which Mr. Garrison replied as follows:

Gentlemen: I am filled with the greatest and truest emotion at this most unexpected and flattering entertainment on the part of my old friends. If I had required any incentive beyond what had been supplied by my past relations with California, this spectacle of so much worth and intelligence would urge me still further in hope and effort to develop the interests of this mighty country. Gentlemen, my heart is too full of gratitude for this splendid ovation to permit me to do aught else but beg you will accept the poverty of my language to express my full feelings of gratitude.

Messrs. Judge Delos Lake, Judge Lyons, Gen. E. D. Keyes, W. C. Ralston, Charles E. McLane, Hall McAllister, Joseph P. Hoge, J. G. Eastland, and others, followed in remarks pertinent to the occasion, and were happy in allusions to reminiscences in connection with the past efforts of their guest toward the development of California.

Mr. Garrison's distinguished success in commercial affairs is due, not more to his unconquerable energy, than to an unbending integrity manifested in all the relations of life. His word is proverbially as good as his bond. Conservative and tolerant in his intercourse with men, his friendships have always been warm and intimate, and are life-long. An especially prepossessing address and good conversational powers, added to great firmness and force of character, have generally enabled him to influence others and impress them with the soundness of his views. Left early in life to provide for himself, he has been emphatically the architect of his own fortunes. In looking back upon his business career, he enjoys the well-earned consciousness of having contributed largely to the material prosperity of the country, while hundreds unremembered by him still cherish the memory of his charitable deeds and whole-souled generosity.


LIBRARY
OF THE
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OF
CALIFORNIA

Sincerely

Th.s Starr King

THOMAS STARR KING.

THE Editor desires to assure the public that he has left no stone unturned in the effort to obtain an original sketch of REV. THOMAS STARR KING. The career of this man was so brilliant and eventful—in the brief compass of forty years, he accomplished such mighty purposes—that his life and deeds deserve to be chronicled by a gifted and practiced pen, entirely familiar and in harmony with the theme.

For the purpose of securing such a sketch, the Editor approached or communicated with many of the most polished and effective writers of the Pacific—and also of the Atlantic States—and in so doing, exhausted the list of those whom he knew to be intimate friends and admirers of Mr. King, when living, and whom he considered competent to the task.

All, for various reasons, declined to furnish the desired sketch. Having had only a casual introduction to Mr. King a few years before his death, and not having enjoyed any intimacy with him; and moreover, knowing nothing of his career prior to his arrival in California, the Editor felt his incapacity to treat the subject properly, and had nearly concluded that his work would have to be given to the public in an incomplete state, owing to the omission of a biographical notice of this truly representative man. But a short time before the manuscript was placed in the hands of the printer, he was presented with an address read a few days after the decease of Mr. King before the Unitarian Society, of which he was Pastor, by a prominent citizen of San Francisco, who had for several years been a warm personal friend of Mr. King, and who had received from his dying lips the injunction: "Keep my

memory green." This gentleman was then, as he had for some years previously been, a well known merchant, and also Superintendent of the United States Branch Mint of San Francisco. The description of the death scene of Mr. King, of which the author was an unhappy witness, is fraught with absorbing and melancholy interest.

This address, however, discloses no information concerning Mr. King's ancestry, birth, boyhood, or any portion of his career passed prior to his arrival in California, but the San Francisco *Bulletin*, on the day of Mr. King's death, contained an ably-written editorial, eulogistic of his splendid talents and his great services to the State. And the local columns of that journal gave a brief notice of his life, on the same day, and, a few days later, contained a full account of the solemn ceremonies and impressive scenes attending his burial.

These articles in the *Bulletin* newspaper, and the address alluded to, together make up a faithful and interesting history of Mr. King; and the Editor gives place to them here, in lieu of an original sketch, confident that they will be accepted by an appreciative public as a worthy memorial of his life and services.

From the San Francisco Evening Bulletin, March 4th, 1864.

THE ANNOUNCEMENT of the death of the REV. THOMAS STARR KING startles the community, and shocks it like the loss of a great battle or tidings of a sudden and undreamed-of public calamity. Certainly no other man on the Pacific Coast would be missed so much. San Francisco has lost one of her chief attractions; the State, its noblest orator; the country, one of her ablest defenders. Mr. King had been less than four years in California, yet in that short time he had done so much and so identified himself with its best interests, that scarcely one public institution or enterprise of philanthropy exists here which will not feel that it has lost a champion. He was a vast power which any struggling good work could command. The most erudite and the least cultivated were alike charmed by the eloquence of his popular addresses.

He warmed the coldest audience into enthusiasm. Some said it was his musical voice; some that it was his genial manner; some that it was his tact in feeling his audience and humoring it until every fraction of it was "in sympathy" with him, when he boldly led off to the point he had in view; some, in more general terms, that it was his commanding genius; some that it was the merits of his cause, which it was his gift to lift up and present in its best light, that accounted for his sway over the multitude; but on this all agree, friends and opponents, that while the matter was in his hands there was no gainsaying him. Few public speakers were bold enough of choice to follow with a speech after he had spoken; and if he were announced, the audience was never satisfied till his turn came.

Mr. King had grown immensely as a public speaker since he left the East. He brought with him a most enviable reputation as a literary lecturer, a polished, brilliant writer and preacher. Those who knew him congratulated California on his coming; they said he would do for our landscape and our land what he had done for New Hampshire; for his *White Hills, their Legends, Landscapes and Poetry*, had made the White Mountains classical, and brought them within the circle of all Eastern summer tourists. The most sanguine never imagined that he would become the power that he quickly proved himself at the sterner, harder duties that engage men who lay the foundations of States. He used to say, soon after he arrived here, and when he found how much greater would be his influence with this people if he could speak as well *extempore* as he wrote, that he would give anything if he had the ability to "think on his feet." "Beecher has it," said he; "his thoughts come trooping in never so swiftly, so orderly, and in such force as while on his feet with a great audience before him—every upturned face is his ally in marshaling his grand thoughts; but I can't." Few men at the height of their fame venture the experiment of a new style of address. He ventured, and every one who has heard his later off-hand speeches will testify how speedily he acquired the faculty which he coveted—of

thinking on his feet—his best things flashing into his own mind apparently the instant that they flashed through it into his audience. Mr. King introduced himself to the San Francisco community by a course of lectures delivered one each week in the First Congregational Church, which was crowded to its utmost capacity to hear them. It is safe to say that fifteen minutes after he began the delivery of the first one, his position as an incomparable lecturer was established. That series had been delivered at the East. Each one of them was a perfect gem in its way. Not a sentence in one of them but gleamed with beauty. The rare and dainty imagination of the lecturer discovered itself in every phrase, and showed him a poet in the disguise of prose. The skeptical said it was very pretty writing certainly, but they doubted his depth. The lectures that Mr. King wrote here were of altogether a different order. He availed himself of that injunction of the rhetoricians, not to be too evenly excellent in your style. He polished his sentences less, he waited no longer on fine fancies; he argued more; he dropped down to good plain talk for minutes together in his addresses; and then, when his hearers were rested, he blazed out with passages that swept away all thoughts but of the one topic that possessed him.

THOMAS STARR KING was born in New York, December 16th, 1824. His father was a Universalist minister, settled in 1834 over a congregation in Charlestown, Mass. At the time of his father's death, Mr. King was preparing to enter Harvard College, but this event left the family in a manner dependent upon him for support, and from the age of twelve to twenty, he was employed either as a clerk or school teacher. All this while he was an ardent student; scarcely were the regular duties of the day done, than the interregnum found him at his desk; and midnight looked in upon him deep in books, theological studies claiming his attention mainly. Following the bent of his mind, he devoted himself to the ministry, preaching his first sermon in the town of Woburn, in September, 1845. He subsequently preached at Charlestown to the congregation of which his father had charge.

In 1848, at the age of twenty-four, he was called to preside over the Hollis street Unitarian Church, in Boston. The church at this time was very much divided, so much so that it was feared that harmony could not be restored. Under the ministry of the energetic young pastor, however, peace once more came to its councils; the church grew rapidly in strength; and when Mr. King left, it enjoyed a prosperity unprecedented in its history. The same genial and sympathetic manners which won him the affections of the whole people of this city, as well as of his immediate congregation, endeared him to the congregation of which he had charge in Boston; and when he announced to the latter his intention of changing his residence and making this coast the scene of his future labors, a storm of regrets and remonstrances arose which would have made a weaker man change his purpose. He received the call from the Unitarian Society of this city early in the year of 1860, and sailed from Boston in the month of April. In a letter to his Hollis street Church, informing them of the call to San Francisco, he gave two reasons for his acceptance of it. One was his failing health, which made a change of climate necessary; the other, and the principal one, a desire to do the will of his Master.

He identified himself at once with California and its people, urging their interests on all occasions with a zeal and persistence which could not have been exceeded had he been one of the first settlers of the country. He looked beyond the pulpit, and mingled much with men—touching life at nearly all points. The agricultural and mineral resources of our State claimed a large share of his attention, and his lectures, illustrated by quaint humor as well as by deep and practical knowledge of his texts, are fresh as the sound of words spoken yesterday in the ears of our people. His was one of those lovable natures, which warm to all men, and in consequence his circle of friends was only bounded by his acquaintance—it is questionable if he ever had an enemy among all who knew him, even those who differed from him in theological views yielding to the magnetic sway of his voice and

manner. He did not think that the pulpit, the prow of the world, should be shut out from pointing the way in politics when great principles are involved, and early in the war he pronounced against the rebellion and the issues upon which it was conducted. In this respect he has wielded a powerful influence, lending his aid to the preservation of harmony in a State which at the outset seemed likely to be divided, carrying the masses with him by that energy and eloquence which was given him as a birthright, and of which only the hand of Death could rob him.

Mr. King's energy has an eminent illustration in the history of his pastoral labors. He found the Unitarian Society some $20,000 in debt, small in numbers and feeble in strength. In less than a year the whole debt was paid, and the society was in a flourishing condition; before four years had expired a new church was built for him, costing $90,000—to which he himself was the largest contributor, giving from his own pocket $7,000 to the church and in furniture. Barely had the building been completed when the pastor was taken away. This seems irreconcilable with faith, but the ways of Providence are often inscrutable. His physical health, never very robust, suffered much from his arduous labors, and particularly from the exertions which he put forth to insure the completion of this church and its freedom from debt. For two or three months before his death, it was evident that he was not so well as usual, and he had frequently spoken of the necessity of giving up all literary labor. He thought it would be impossible for him to endure another year of work, and they were already agitating the question of who should fill his pulpit while he took a year's respite from labor in travel.

Just before his sickness he had a dream which he narrated to a friend at the time, remarking that it made more impression on him than he cared to confess. In his dream he thought he was shaving himself, and the razor, slipping, gashed his throat. Physicians who were called told him he could not live ten minutes. He argued the case with them—holding the edges of the wound

together with his hand—telling them neither the windpipe nor any of the arteries were severed, and that he could recover if they would only stop the bleeding. They said it was useless, however, and that he must prepare to die. The dream was probably induced by the pain which had already begun to settle in his throat.

About two weeks before his death he first complained of not feeling well, and of some trouble with his throat. His friends urged him to be more careful, and not expose himself to the air; but he thought it was only an ordinary case of sore throat, and declined to confine himself or call in the aid of a physician until Friday, Feb. 26th. In the evening he had his regular reception, and between 10 and 11 o'clock went down to a social gathering at the church, though still suffering. On Saturday evening he had invited a number of friends to supper, but when evening came he was unable to appear at table. While supper was going on, however, a bridal-party came to be married. Mr. King had received no previous intimation of such a visit, and sent down asking to be excused, saying that he was sick and confined to his bed. The party replied that they had set their hearts on being married by Mr. King, and would come up to his bedside sooner than be defeated in their desire. With that spirit of self-sacrifice for which he was so remarkable, he then said he would get up and go down into the parlor. He did so, and went through the ceremony; but though it was performed in a very few minutes, he was so weak at its conclusion that he had to be assisted up to his room.

From the San Francisco Evening Bulletin, March 7th, 1864.

THOMAS STARR KING dead had a larger congregation than he ever had living. At 9 o'clock in the morning the doors of the church were opened, and until noontime a congregation numbered by thousands and comprised of all religious denominations, poured through the aisles, bending over the burial-case where the former pastor lay with hands crossed in dumb prayer—listening to the mute but eloquent sermon of the upturned face

and lips set in eternal supplication. Loving hands had festooned the church with wreaths of Egyptian lilies—those flowers which with their single petal, waxen white, suggest the tomb, and all the sad thoughts and ceremonies that attend even the greenest grave—National banners, their bright stars clouded with crape and their crimson stripes veiled, draped the altar and threw their folds over the coffin; the mantle of patriotism which fell upon his shoulders in life, enveloping and shrouding the form within in death. The apron of the Order of which he was Grand Orator, and other signs and symbols of the Masonic craft, were there; flowers of the rarest odor shed their perfume over the body, and on the breast lay a chaplet of spring violets, placed there by the request of a lady once a resident of this city, now dwelling at the East,* who telegraphed on Saturday to one who, like her, loved the deceased: "Put violets for me on our dear friend who rests." It was a kindly thought, prompted by the graceful tenderness of a woman's heart; the flowers will be fragrant in the grave as the memory of the deceased is in the hearts of his friends—and these are only numbered by the city's population.

A military guard detailed for the duty was stationed in and about the church, preserving order among the dense crowd, which so early as noon-time began to throng about the doors. The butts of muskets rang on the marble floors beneath which one was to sleep who believed that Christians may wear armor when the cause is just, and prayer be helmeted and mailed, if the vindication of great human principles demands it. It is safe to say that such an immense assemblage has not been seen before in this city for many years. The congregation first passed into the church, and found their accustomed pews; the Governor and other State and Governmental dignitaries were seated, and then the main doors were thrown open for the reception of as many others as the church could contain. Not a square inch of floor was left in body, or aisle, that was not pressed by some foot. The gallery

* Mrs. Gen. J. C. Fremont.

groaned with its great human freight like a ship at sea, on whose decks a mad weight of water has leaped; and so crowded looked the faces in that great bracket of life affixed to the walls, that the effect was stereoscopic and all seemed to resolve themselves into one. So densely were the audience packed that several ladies fainted away, and even men struggled to the doors for air. But there was no exit; for lobby, vestibule, and even the street for a block or more was packed with human wedges. So thick was the crowd outside that the street was only passed with difficulty after long and tedious urging. It was like bees, swarming on the outside of a hive; while through Stockton street, north and south, a tide of people going and coming, flowed in one continuous wave.

The services began at 2 o'clock, with a voluntary on the organ, by Mr. Trenkle. A most impressive scene was afforded. The solemn notes swelled through the church in a plaintive, mournful psalm; the instrument seemed for the moment to have a human heart within its walls, wailing its grief in sounds that were like the falling of tears. In the front pews of the church sat the Masons, each wearing an acacia sprig, and the habiliments of the Order. Through the stained glass of the ceiling and the sides, and the great rose-window at the end of the church, the afternoon sun sifted its mellow rays like a benediction, crowning the coffin and altar with a glory of light and color. Minute guns from Alcatraz mingled their heavy bass with the notes of the organ—soon a nearer battery in Union Square took up the burden, and there was an anthem of cannon swelling with its grand diapason the solemnity of the services. This is said to be the first time in the history of the country that minute guns have been fired by order of the Government in honor of a civilian who never held a public position.

The 39th Psalm was chanted by the choir, and following this the Rev. Mr. Kittredge read the 23d Psalm—the one which Mr. King repeated on his death-bed. The Grand Master then commenced to read the impressive burial service of the Masonic ritual, choir and organ chanting the responses. The first prayer of the ritual

was offered by Mr. Kittredge; and the remainder of the service, slightly varied in accordance with the unusual burying-place, was read by the Grand Master. At the proper interval in the service the vault beneath the altar was opened, and amid a voluntary from the organ, the coffin was lowered down to its last resting-place, the Secretary of the Lodge dropping his roll upon it, and the Grand Master his acacia branch. The last prayer of the ritual was offered by the Rev. J. D. Blain, benediction was offered by Mr. Kittredge, the Masonic Brotherhood filing past the vault flung into it the acacia sprig emblem which each wore on his breast, the ceremonies were ended, and the great crowd went out into the streets and to their homes.

Besides the anthems by the full choir, solos, "*I know that my Redeemer liveth*," and "*Come, ye disconsolate*," were sung, the former by Mrs. Grotjan, the latter by Mrs. Leach. All through the city, during the day, with scarcely an exception, at all the principal buildings, and also at the forts, and army headquarters, national flags were at half-mast; and colors at the residences of nearly all the foreign Consuls were similarly lowered. Most of the American shipping in harbor lowered its bunting, and the foreign shipping, almost to a vessel, followed the example, the flags of Hamburg, Columbia, Russia, France and Great Britain being among the others thus displayed. On board the only war vessel in port, the Russian steamer *Bogatyre*, the Russian ensign, lowered from the peak, stood at half-mast during the day. If anything can mitigate the grief of his friends for his death, some flowers of consolation may surely be plucked from the fact that he was thus universally mourned. The following telegram was received from the Rev. Dr. Bellows:

NEW YORK, March 5th, 1864.

To the People of California.—The sad tidings of to-day have broken our hearts. Thousands here will weep with you over his bier. You have had our brightest, our noblest, our best—and he has lived and died, in the fullness of his manhood, in your service. Who shall fill his

place on the platform, in the pulpit, in the hearts of a million of friends?

His full, quick, penetrative mind, winged with fancy and with restlessness in the service of truth, liberty and righteousness—his soul glowing with natural sympathy, Christian patriotism, universal philanthropy; his every action made to utter and diffuse the noble, inspiring convictions of his pure, loving nature; his eye the window of an open, honest, fervent soul—his whole character "made up of every creature's best;" strong and gentle, generous and prudent, aspiring and modest, controlling and deferential, "the people's darling, yet unspoiled by praise;" knowing the world and its ways, yet clean of its stains; pious without sanctimony—what but his own living, undying confidence in the absolute goodness of God can enable us to sustain such a measureless loss? The mountains he loved and praised are henceforth his monuments and his mourners. The White Hills and the Sierra Nevada are, to-day, wrapped in his shroud. His dirge will be perpetually heard in their forests.

Farewell, genial, generous, faithful and beloved friend! Thou hast gone from those who loved thee well, to One who loves thee best. God comfort thy family, thy flock, thy broken-hearted friends on both sides of a continent.

Resolutions.

At a meeting of the congregation of the First Unitarian Society held at their church on Geary Street, on the evening of March 15th, 1864, the following resolutions were offered, viz:

It having pleased the Most High God to draw closer to His side His servant, our greatly beloved and honored pastor, THOMAS STARR KING, and inasmuch as this requisition, coming to him in the plenitude of fame, intellect, and usefulness, found him still "happy, resigned, trustful," it becomes us as Christian brethren to restrain the natural, but selfish impulses of grief, accepting the chalice commended to our lips, and bowing humbly to the Omnipotent will. Therefore be it

Resolved, That in the sublime spectacle of the death-bed of Thomas Starr King, we recognize a full and triumphant vindication of his faith as a teacher and his works as a man.

Resolved, That though it hath seemed fit to the Almighty to remove his mortal presence from among us, the subtle influence of his piety and genius still exists, and continues to transfuse and possess us; and that although the pulpit of the church he has adorned remains empty, an emanation of his goodness still obtains in the pulpit of each man's heart, swaying and controlling its impulses, directing and guiding its promptings, and preaching "with the tongue of men and angels."

Resolved, That his ministration of this Society has been vital, creative and enduring; that it has been uniformly characterized by ceaseless toil and unabated zeal, even to the sacrifice of health and the precipitation of death—by an eloquence earnest, truthful and convincing—by erudition thorough, complete and reliable—by fervor, boldness and originality that have attached the lukewarm and indifferent—by a humanity that was broad, catholic, all-sympathizing and tolerant—by a gentleness that was winning without being weak—by a force that was decisive in results, though unfelt in its processes—and by those rare, indefinable social graces and courtesies which, as they were not beneath the Guest of the bride of Cana, are the attributes of a Christian gentleman.

Resolved, That as citizens of this republic we deplore, with the nation, the loss of a courageous heart and brilliant intellect ever ready to battle in its defense, and that we deeply sympathize with the wounded soldiers in battle-fields and hospitals, who will miss the priceless aid of him who yearned to them out of the brimming fullness of his patriotism, charity, and love.

Resolved, That we tenderly sympathize with the deep affliction of that family circle of which he was the life and light—offering to the stricken widow what consolation may be derived from the assurance, that a community are partners in her sorrow; to his widowed mother and kindred in a distant part of our country, the expres-

sion of our unfeigned grief, that they are bereaved of the wise counsels and affectionate solicitude of a noble son and brother; and to the fatherless children, the undying record of his fame as an inheritance and example to them forever.

Address of R. B. Swain, Esq.

Previous to their passage, Mr. R. B. Swain rose and said:

Before the resolutions are adopted, I cannot refrain from bearing my testimony to the purity of Mr. King's life, and offering to his memory the tribute of my profound admiration of his character, his genius, and his talents. I was early brought in contact with him—first by correspondence before his arrival, and afterwards as a colaborer, though comparatively a humble one, in the cause of the church and of liberal Christianity. Knowing him so intimately, I have taken some pains to reduce to writing the thoughts that have occurred to me in reference to his life and his early death, in order that I may present them in a regular and consecutive form. For what relates to our beloved pastor, should now be the property of the Society over which he presided, and of which he was the life and light. His sayings and doings—his acts of mercy—his goodness of heart, constantly prompting him to deeds of charity—his transcendent genius, which shone forth most brilliantly in the privacy of social and familiar relations—his innate purity of character—his unselfishness, which made him ambitious to sacrifice his own comfort to promote the comfort of others—his humility, which rendered him incapable of knowing his own goodness and greatness, and oftentimes led him to estimate too feebly his own powers—his reverence, which carried his soul above the transitory things of earth, and gave him aspirations towards Heaven and his God;—all these constitute an endowment of priceless memories bequeathed to the Society in whose service he so faithfully labored, and for which he died. In the few remarks I have to offer upon the resolutions, I shall confine myself

chiefly to narrative; but I would not, if I could, withhold the repeated expression of my love of him as a man, a patriot, and a Christian—the most pure in his thoughts, the most unselfish in his character, with whom it has been my good fortune to be associated.

I said I first knew Mr. King through correspondence. After the departure of our former pastor, Mr. Cutler, and during the temporary ministration of Mr. Buckingham, the Board of Trustees negotiated, through friends at the East, for a permanent pastor. We were slightly encouraged to believe that Mr. King, then presiding over the Hollis Street Society in Boston, might be induced to come here; and through a Committee of the Board, Mr. Brooks and Mr. Lambert, who were fortunately in Boston at that time, negotiations were opened with him upon the subject. I must confess that I had but little hope that he could be secured for this Society—for I knew how he was loved and prized by his own parishioners, for whom he had done such essential service during a period of ten years, and how his fame and reputation as a divine and lecturer were as wide as the continent itself. But we believed that he would have a great field here; and were encouraged to hope that his comparative youth, his spirit of self-sacrifice, and the necessity of seeking a new field of labor to renew his physical energies, which had been much exhausted by study and over-exertion, would tempt him to listen, at least, to our call, and perhaps to adopt for a season this vigorous and prosperous State as the field of his labors. Fortunate, indeed, was it for this Society, and fortunate for California, that he came. Without him, who can now say what would, to-day, have been our condition? Who can now say that we would not have been hurled into the vortex of secession, or that there would not have been inaugurated the scheme of a Pacific Republic, for which our delegation in Congress were manœuvering, and which would have made this happy, peaceful State, a scene of fire and blood, between the contending fury of loyalty and treason?

Mr. King's first communication, in answer to our call, was made in the month of September, 1859, to the Com-

mittee then in Boston. It is an admirable illustration of his frankness and candor, and although a private letter, there are no good reasons why the most of it should not be read here. His peculiar sincerity and earnestness are stamped in every line. Dr. Bellows, who, I am proud to say, was my pastor for many years in New York, had been commissioned, in conjunction with the Committee, to obtain a pastor for us—but they had been enjoined to make application to no man whose fame was not already secured, and whose name was not eminent among the ministers of our faith—for it was certain that with any feebler man, our then tottering Society would become bankrupt and ruined, perhaps forever. How well the task was performed, let the present condition of our Society, and indeed, let the prosperity of our State, to-day, answer. Aided by the powerful influence of Dr. Bellows, negotiations were opened with Mr. King *direct*. At that time his own Society, to which he had devotedly attached himself, was claiming a continuation of his services, and a Committee from a strong Society in Cincinnati were clamoring loudly for him to remove thither, and become *their* pastor, offering inducements which no ordinary man—no *selfish* man—could have resisted. As Chairman of the Board of Trustees, the correspondence fell to me. Facts and figures as to our prospects were sent to Dr. Bellows. Nothing very flattering as to the past could be presented; but our prospects, with a strong man, were set forth in brilliant colors. It seemed quite certain that there was a large field for the growth of our faith in this State, under the leadership of such a man as Mr. King proved to be, and our claims were pushed with all possible zeal, and even with audacity.

The letter which I now propose to read to you, convinced us that Mr. King, of all men, was best adapted to our wants; and notwithstanding he was constrained to answer our call in the negative, we refused to abide by his decision. The letter is as follows:—

My Dear Sir: I was on the point of writing to you in Brattleboro, when your letter of this morning came.

It has been impossible for me to reply at an earlier date. I have been very busy consulting intimate friends, obtaining information, and forecasting the trouble, difficulty, and losses of uprooting myself and family here, while not a little time has been absorbed in studying my own inclinations, heart, and resources, for such duties as the post in San Francisco would demand.

The result of all my inquiries, consultations and reflections, stands thus: 1st. Very grave doubts as to the ability of the parish to pay the salary named to *me*. Gentlemen who know the Unitarian Society there pretty well, have assured friends of mine that the parish is not united—that there are a great many great draw-backs to the popularity of a liberal faith in the city, and that with a debt of $12,400 on which the Society pay 12 per cent. interest, and a floating debt of $1000, no man with talents less electrical than Chapin's, Beecher's, or Dr. Bellows', could put the parish in a condition to pay such a salary. And I am assured that I could not live in San Francisco—being myself a very poor economist—for less than $5000, at least, with my family.

I find that I must sacrifice nearly $2000 on house and furniture and books, if I uproot here. Then there is the expense of removal with my wife and daughter; then the cost of setting up anew out there, the return expenses, and the new housekeeping costs, two or three years hence, if I come back.

The risks are very great. I am a poor man; I have worked very hard for ten years, have had heavy extra expenses, which still continue, and can not afford to give up such certainties as are before me here, for the ventures of so distant a field of labor. Every year my lecture opportunities enlarge. I should abandon that field in going to San Francisco, and might not be able to reënter it so favorably.

Then beyond all this, I have misgivings as to my qualification for such work as your Society needs, to fill the Church with numbers and enthusiasm. I am not extempore enough—electric enough—so I fear. You need a temperament like Dr. Bellows', or a stirring preacher like

Chapin, to enable the parish to fulfill such promises as Mr. Swain's note to me contained. From all that I have heard and thought, therefore, I *dare not* trust to my power of infusing ability enough in the parish to produce the requisite receipts. I have too much at stake.

Yet I feel very strongly the attractions of the field. If I could properly go to San Francisco on a smaller salary, I would gladly do so, and work to the best of my power for the good of your parish and our noble cause. Or if I could have gone out to California on the invitation of the Mercantile Library Association, last spring, independently of the parish, and preached in the city and surveyed the field for lecturing, I could possibly have found firm ground for an affirmative reply to your call.

But as the whole subject has shaped itself, since my inquiries and serious thought, and with the firm conviction that many of the inducements must prove illusory, nothing seems to be left to me, at present, but to decline the call. Several of my own parishioners were disposed, at first, to the movement; and would be still if they were convinced that the basis is firm. But they cannot advise me, otherwise than against it, as matters look to them now. I have told you frankly my whole mind, and I can only offer you, with sincere thanks for your kindness and complimentary call, my cordial coöperation in obtaining a man who can prudently go on a smaller salary than would be necessary for me.

With cordial regards, believe me,

Faithfully yours,

T. S. KING.

This letter contained one single paragraph upon which we felt that we could hang a hope of success; and accordingly, by return of mail, the Trustees dispatched to Dr. Bellows such documents as removed from Mr. King's mind all doubts as to his true duty. He accepted *promptly* —as promptly as he did *everything* when convinced of the path in which he should tread. By an early mail, a letter was received from Mr. Lambert, one of our Committee, enclosing a note to him from Mr. King, as follows:—

BOSTON, January 2d, 1860.

MY DEAR FRIEND: I hasten to say that I have written my resignation to the Hollis Street Parish, which will be offered this evening. To-morrow, I shall write to the Committee in San Francisco, so that the letter shall go by the mail of the 5th. Probably I shall stay there, if I live, two years. I have no time for further particulars this morning.

I hope I have made no mistake in deciding to go so far without going permanently. But trusting and praying that I may be of service to the noble brethren and the good cause in San Francisco, and pledging to you all my power to that end, during my stay there, I am, with cordial thanks for all your kindness, sincerely yours,

T. S. KING.

The following steamer brought Mr. King's letter of acceptance—so noble, so frank, that it should ever be preserved in the archives of this Society as a memento of his goodness, and an enduring monument of his liberal, self-sacrificing spirit.

BOSTON, January 3d, 1860.

R. B. SWAIN, *Chairman of Trustees of Unitarian Parish San Francisco:*

MY DEAR SIR: As I am now addressing you for the first time, in my reply to many kind and important communications, it is proper that I should explain to you my long silence. When your letters and documents of Nov. 3d reached me, I had just received a very urgent call to remove to Cincinnati, to take charge of a Society recently organized there. I had not anticipated such a response to my letter to Mr. Brooks, as your parish so generously returned. I supposed that the correspondence had ceased. Mr. Lambert was in quest of another minister for you, and as the movement in Cincinnati was backed by strong letters from prominent Unitarian clergymen, I found myself not a little embarrassed when your new call came, by the conflicting claims of your city, Cincinnati, and Boston. To add to my perplexity, I had engaged to lecture two weeks in December in the heart of New York State, which time was practically lost to me.

On Saturday last, December 31st, I made my decision to go to San Francisco, and on Sunday communicated it to my Society here. Yesterday I wrote a letter of resignation, which was read to a very full meeting of parishioners last evening. A large Committee was chosen to confer with me, and to ask me so to change the form of my withdrawal, as to accept leave of absence for fifteen months from the first of April, leaving it for the future to determine whether or not my connection with the Society should be finally dissolved.

The reasons for requesting this were: that the parish would be seriously shaken by an absolute withdrawal so suddenly; that I could not be sure of liking a residence in California more than a year; that my family might be anxious to return; that you might be dissatisfied with my service and prefer not to continue the arrangement; that if I should return so soon they would like to have the first claim to a resettlement; and that, if I should be wanted in San Francisco, and decide to remain longer with you, the devoted friends I leave in the Hollis Street Society could bear the separation better, if it should be gradually made.

The tone of the large meeting was so kindly—not a voice or vote dissenting—and the reasons for my leaving at all for California were so generously appreciated, that although the action of the parishioners was an entire surprise to me, I could not refuse assent to their request.

But I beg you to understand that I am not pledged or bound in the least, by the form in which the separation from Boston is made. I shall go to you with as much freedom as if I had never been settled in the East. Your generous guarantee offers me a salary for one, two, or three years, at my option. I accept the call for a year, to be your pastor during that period. If, before its close, I see clearly that I ought to remain longer, a letter to Boston, stating the fact, will release me from any obligation. And if, during that time, the Society here desire to engage another minister, nothing but a letter to me is needed to give them the moral right to do so.

I have been thus explicit that you may know in exact

terms, and in detail, the state of the case. I ought to say, also, that Mr. Lambert wrote to me from New York, on December 28th, that it would be advisable for me to go, even if I should know beforehand that I could remain only a year.

But now, my dear sir, let me speak through you to the Trustees and the Society, unhampered by any details of business. I thank you most cordially for your strong and generous invitation. From the first moment when I received the call, last September, I was attracted to accept it for a time, that I might try and be of service in your fresh and promising field. My only regret is that any pecuniary questions have intruded to disturb the nobler considerations which should govern a clergyman's choice. It was my necessities that dictated the particulars in the letter to Mr. Brooks, and I did not deem that the letter would be sent to your city. I shall go to you in the hope of using all the powers that may be continued to me, for your permanent strength as a liberal Christian parish. My great ambition in life is, to serve the cause of Christianity as represented by the noblest souls of all the liberal Christian parties. I am not conscious of any gifts, either of thought or speech, that can make my presence with you so desirable as you seem to think; but, if I can be of service by coöperating with you, in laying deeper the foundations and lifting higher the walls of our faith in your city, whose civilization is weaving out of the most various, and in many respects, the best threads of the American character, I shall have reason always to bless Providence for a rich privilege.

It is doubtful if I can leave here with my family before the 5th of April, but of this I shall know in a week or two; as soon as I can possibly go to you, you may be sure of my presence, and before we meet on the Pacific coast, let me ask you to accept a cordial general greeting, as brethren and friends, invoking for all of you health, prosperity, and every inward blessing of the perfect Providence.

In Christian bonds, your servant and friend,

TH. STARR KING.

Accompanying this letter was a private note to myself, a portion of which belongs to the history of the times.

BOSTON, January 3d, 1860.

MY DEAR MR. SWAIN: I sent yesterday my official answer to the generous call of your Society, with the reasons for its delay.

You will see that I shall hardly be able to leave before the 5th April. I have many lecture engagements to fulfill between this and March. I cannot relinquish them, for I shall need the money they will furnish to pay the expenses of removal and clear a few debts here. I am sorry that I am not in a condition to start at once.

May I ask you to inform me if there is a room that could be used as a minister's writing-room in your church building.

I have not time to reply by this mail to the invitation of the Mercantile Library Association, but will do so in a few days. Of course I shall be glad to lecture for them at the time best suited to their convenience, and as to terms, will not fear that we shall disagree.

Cordially, yours, T. S. KING.

This letter electrified the Society and gladdened the hearts of the community; for the fame of Mr. King, as a scholar and a divine, had long before reached this side of the continent, and the public rejoiced that a great addition was to be made to our stock of talent and energy. The future of our Society was no longer a question of doubt, and weeks before the arrival of Mr. King, every pew in our church was taken, and we were at once placed upon a permanent and prosperous footing.

He left Boston on the 5th of April, 1860, but before his arrival several letters were received from him, from two of which I will make extracts.

BOSTON, March 4th, 1860.

MY DEAR FRIEND: Let me thank you cordially, though it must be hurriedly, for your kind and most interesting communications of the last mail. It gives me joy to

learn that the tidings of the acceptance were so generously echoed. You seem to be anxious that I shall not doubt of the readiness of the Society to second all my labors and confirm my hopes.

Be assured, my friend, that I have no fringe or thread of skepticism on any such point. My only fear is lest you should be disappointed when I arrive, and find that your anticipations outrun any possible performance from me.

Would that I could have made arrangements to leave to-morrow. I had engaged my rooms in the *Baltic* for April 5th, and now she and the *Atlantic* are withdrawn. We must go in the Vanderbilt line, with prices raised to $200 a ticket. This is reasonable enough—but I should like to have had the advantage of the low fares, and especially of the better boats.

We cannot learn yet, either, whether or not April 5th will be one of the leaving days, under the new arrangement. Probably it will, but no advertisements are made, and no tickets sold so far ahead. We hope that the *Northern Light* will sail on that day. If I could have foreknown the present combination, you would see *me*, instead of this *note*, by the boat that takes this.

Dr. Bellows very kindly sent me your letter to him. I read its passages with *practical* interest. I expect to like California, and all of you, much better than you will return the feeling.

I am troubled in spirit a little as to our friend Buckingham. I hope that he can find preaching occupation that will be advantageous in the State, and shall be glad to assist him in any enterprise that will open such opportunity.

You can hardly appreciate the pressure on my time and thoughts of the last few weeks. A pile of letters now lies unanswered, for which I can get no leisure. This will account for my delay in replying formally to the Mercantile Library invitation. They can choose their own time for four lectures. Of course, I cannot hear from you in reply to this note. The next mail will probably gladden me with a communication from you.

I am, gratefully, your friend, T. S. KING.

BOSTON, March 19th, 1850.

MY DEAR FRIEND: I send a word by this steamer, although there is nothing of special moment that calls for a letter.

It has not been in my power to arrange for leaving earlier than April 5th. The *Northern Light* is announced for that date.

Next Sunday I am to preach my farewell sermon in Boston. The parish behave more nobly to me than I could have dreamed it possible. Their conduct, so large-minded and considerate, smooths my removal, while it attaches me still stronger to such friends by the heart-fibres.

Drs. Bellows and Osgood have arranged for a public Unitarian breakfast-party for me in New York, the day before we sail. This is in honor of the faithful brethren in San Francisco, so I hope you will feel proud on April 4th.

In the hope of finding you well when I reach you, and not *quite* sick of your bargain, I am, cordially, yours,

T. S. KING.

What followed upon his arrival is familiar to every person present. The Society grew in numbers, strength and enthusiasm. Mr. King at once ingratiated himself in the affections of the people. Answering a call from the Mercantile Library Association for a course of four lectures, he drew around him crowds, the like of which had never before been known in this city. Notwithstanding he was paid liberally by the Association, the lectures added largely to the treasury of that Institution, and he was invited to deliver a second course, which he was compelled to decline, from a sense of duty to this Society. What has been the history of our Church since then, is a matter of record. During the first year of his ministration, a debt of $20,000, which had been a halter about our necks, and which had threatened to strangle us, was extinguished. Not satisfied with this success, which surpassed the most sanguine expectations of the Society, he pursued his labors unremittingly. His active, ardent

spirit knew no bounds, and he continued his efforts without any thoughts of self, but with an eye single to the best interests of those in whose cause he devoted the most of his time and talents. It soon became apparent that his field was too small, and that a larger church, more centrally located, was essentially necessary. To the erection of such a church, which should at once be an ornament to the city, an honor to the Society, and a true representative of our strength, he devoted all his energies. He started the call by a liberal subscription himself; he lent to the cause all the momentum of his sanguine, ardent nature; he enlisted others in its support by his example and his persuasive and convincing appeals. How well he succeeded for *us*, let this magnificent edifice, so beautiful, so tasteful, so grand, attest. What was the result to *himself*, *let that grave answer*. For I solemnly believe, that to his devoted care and anxiety and toil in the erection of this building, may be attributed much of that physical debility which undermined his constitution and shortened his days. He gave us the church with his life. He gave us a temple, elegant in its proportions, ample in its accommodations, and pleasing to the taste and refinement of the people. But the organ he so liberally donated to the Society was used to sound his requiem, the pulpit he adorned is his mausoleum, and the Church is his own enduring monument, consecrated forever to the memory of his goodness, his affection to his Society, and his undying name.

Mr. King, as if possessed of the gift of prescience, had long entertained the belief that he would never reach the age of forty. He said but little upon the subject—but a short time after his arrival here, he addressed an interesting communication to me upon the affairs of the Church, in which this idea was constantly interwoven. It appeared as if it were his desire to place his impressions upon record—and so strong were these feelings, that he was the more anxious to put the affairs of the Church upon a safe foundation immediately, and complete the work which he had begun. Some who did not know him, attributed this anxiety to a determination on his part to

leave the State at an early day. I am sure he had no intention of leaving us permanently. A few months ago, he unfolded to me all his plans, and he then stated that he was desirous of visiting Europe, and particularly Germany, for purposes of education; that if he could leave here for a period of two years, for travel abroad, and improve his mind and health, he would be glad to return and remain. If the Liberal Christians thought best to build him another and smaller Church, he would be quite content to preach. If not, and they were satisfied with the minister who should be installed during his absence, he would devote himself to literary pursuits, to preaching occasionally, and to advancing our cause and the cause of public charities throughout the State. But I must read the letter to which I have alluded.

SAN FRANCISCO, August 16th, 1860.

MY DEAR MR. SWAIN: I have thought very seriously since Tuesday evening, of the objects and results of the meeting of the Trustees at my house, and I venture to trouble you with some lines, which had better be written than spoken.

I regret to learn that the debt remaining against the parish is so large as $8,000, and I cannot help feeling some serious concern in relation to it. My special object in sending you this note is to learn if any way can be opened by me that will lead to the liquidation of it, or a large portion of it, this fall.

What moves me more powerfully, is the apprehension I have begun to feel *as to my health.*

Six or eight months before leaving Boston, I began to be conscious that my health was insecure. I could not bear the thought of a long season of invalid-ism, and a long experience of lying-upon-the-shelf-itiveness; and so I was more strongly impelled to California, by the hope and belief that I could help the brethren and the cause here by labor that would not exhaust my lessened strength, while the climate would repair the damage, and possibly fill the fountain with an unusual store of vitality.

It is useless for me to shut my eyes to the fact that I

am not so well as I was when in Boston. I experience strange debility, and singular pains and numbness in the brain. For writing purposes I am nearly worthless—and the symptoms are the more serious from the fact, that my father's constitution (which in most respects I seem to have inherited) snapped at about thirty-six. He was a very strong man till then, but broke thus early, was good for nothing for three or four years, and died at forty-one.

Now, I desire to be of *essential* service to the parish here, by my visit. I cannot be unless your debt is wiped out. If I shall not grow stronger this fall aud winter, I must return East next spring, to stop all ministerial work —perhaps, to cease all work on this planet—and it would be a very bad thing to leave you then, with four or five thousand dollars of debt to be paid.

Can I not, think you, start some plan for paying off so large a portion of it this fall, that there will *certainly be none remaining next spring?* Then you would be on the safe side; and if my health should improve, and I can stay with you longer, another period of service would bear the more fruit. Would any proposition from me, in a sermon, towards such a result, be out of place? Of course, I should breathe no word of my real motive, as to my state of health. I do not wish you to mention it. I have not even told my wife these fears, and she does not know that I write this letter. Yet I am so impressed with the suspicion that my constitution is impaired, that I feel it my duty to consult with some one as to this matter of the debt, and the future of the parish—and with whom so properly as with you?

Do not allow yourself to be worried, or even seriously alarmed, by what I say. Look at my fears, as I do for the present, in a business light, and tell me what can be done, and how best done to put the parish out of danger. I am perfectly willing to take the matter out of the Trustees' hands, if you say so, and try my luck from the pulpit in reducing the debt.

In everything I say about my strength, I am understating rather than overstating. Some days I do not

seem to have a thimble-full of vitality; but with what I have, I am wholly your friend, T. S. KING.

P. S.—Do not reply to this by pen; we can talk as well.

I seized an early opportunity to have an interview upon the subject of the letter. His thoughts were altogether with reference to the prosperity of the Society, and the danger of his breaking down, and leaving us to carry the heavy burden of a debt. I endeavored to dispel his fears in regard to his health, and inquired why such a presentiment had possessed him. He said it was no *presentiment*, but an inwrought *conviction;* that the conviction was well based on physiological grounds; that he entertained no fears of death; that but for his anxiety in regard to his family, he could hail the approach of death with pleasure; that his life had been one of great toil from his earliest boyhood; that he had looked forward to each approaching year as a season when rest would be vouchsafed to him, but it never came. Every year brought new cares, new responsibilities, new labors, and he had come to the conclusion that there was to be no rest for him on this globe. He again said, that but for his anxiety for his family, he would, therefore, be glad to enjoy the perpetual rest which could only be found beyond the grave.

Mr. King's labors were *immense.* He never lost a moment. He knew how to economize time. But his time was much broken by constant demands upon his charity and kindness. Every claimant found a respectful audience, however pressing his duties, and no deserving one was turned away unsatisfied. His charities were entirely unostentatious, and oftentimes stealthily bestowed: so stealthily that not even the members of his own household, nor his best friends were informed of them. I am sure that he took a secret delight in unheralded acts of kindness, and that he found sufficient commendation in the silent approval of his own heart. One of our own parishioners has informed me, since his death, that he

has been paid hundreds of dollars by Mr. King for wood that he has ordered for suffering families—and another has also stated to me that he had sent large quantities of the necessaries of life, such as flour, sugar, etc., to different sections of the city, by direction of Mr. King, for the poor and needy. These quiet deeds of charity had a peculiar charm to him. But he was discreet in the bestowal of his favors. I know that Mr. King took much time to inquire into the merits of each case, and that he was seldom deceived. He took a *broad view* of suffering. When cases were presented to him, the sufferer urged of course only the *selfish* side. Mr. King saw all around and *through* it, and took an intellectual as well as a *Christian* view. The sufferer might seek to obtain relief from immediate wants—Mr. King thought of his degradation, of his wounded pride, the poverty-stricken spirit, and what might be his usefulness to society if raised from the "Slough of Despond" to a position of prosperity. And so he gauged the extent of his charities, for he seldom stopped to reflect upon the amplitude of his own purse.

By reason of these constant drafts upon Mr. King's attention, the execution of some of his most important labors was impeded and sadly interrupted. While the rest of the world was enjoying the repose of sleep, he was laboring. He was compelled to use the midnight hours for much of his literary work, and I have frequently known him to finish his morning sermon fifteen minutes before the church services commenced. His most eloquent perorations have been written, watch in hand, but a few minutes previous to the delivery of the exordiums.

In spite of these perpetual claims upon his time he was, nevertheless, a thorough student; not a library in San Francisco, of any note, either public or private, that he had not consulted. His perceptions were so active, his intuitions so keen, and his memory so retentive, that he understood, appreciated and learned instantly. He never *ceased* to study. Circumstances prevented him from completing his college course, but he none the less qualified himself for his degrees, which were bestowed upon him, without solicitation, by Harvard University.

One of the newspaper writers says that "Mr. King's scholarship was not deep, nor extensive, not even in theology." And another says: "Not favored with college or university advantages, he was thoroughly and carefully read in the literature of his own language." These writers evidently did not know whereof they affirmed. They have imbibed the error common to college graduates, of supposing that a man without an Alma Mater cannot be a scholar. Mr. King was so much the more *deep* and *profound* in his scholarship. He had no college education to fall back upon, but he continued his researches until he died. He was thoroughly conversant with the Greek, Latin and Hebrew languages, and understood well the French and German. But he hated pedantry. He never obtruded his knowledge upon the observation of others, and in conversation or public speech, seldom, if ever, quoted from the classics.

No one who remembers his famous controversy, a few years since, with a distinguished divine and an apostate from the Unitarian faith, in Boston, can doubt his scholarship. No one who knew him intimately will deny that he had mastered several of the modern languages. In the case of the controversy to which I have alluded, a question arose as to the correct translation in the English Bible of certain passages from the Greek and Hebrew. His antagonist, than whom, it was supposed, no riper scholar lived in Boston, under-estimated entirely the powers of his opponent. So completely did Mr. King annihilate him, that he sought the editor of the paper in which the argument was conducted, on Sunday; confessed his error, and implored him, with tears in his eyes, to spare him.

His acquaintance with the French language was perfect. He never used a translation when he could procure the original; and as to the depth of theology, those may safely question it who never crossed swords or measured lances with him. Probably a more thoroughly learned Biblical scholar never entered a pulpit. And yet, Mr. King was modest in his pretensions; he underrated himself; his *humility* was so great, that he

never correctly appreciated his own abilities. If he was praised, he thought himself undeserving; if blamed, or severely criticised, he was ready to believe that he was justly *open* to criticism or censure. Singular as the statement may seem to many here, he was extremely sensitive to praise or blame; he enjoyed the first less, and suffered from the second more, than most mortals.

Although Mr. King preferred to labor in the field of literature, for which his tastes and habits best adapted him, his sympathies for humanity were so broad, his love of country so intense, and his patriotism so ardent, that upon the breaking out of the rebellion he at once arrayed himself against treason and traitors. At a time when all the people were stunned by the development of the designs of the enemies of our country, Mr. King commenced to exhort from the pulpit and the forum. He rose to the majesty of the occasion. His eloquence was never more fervent, never more convincing. The position to be taken by California among the States was deemed doubtful. What was termed Southern chivalry had, since her admission into the family of States, always exercised political and social control. Now it became rampant. Loyalty was only a latent, not an active sentiment. It was uncertain whether Unionism, a Pacific Republic, or Secessionism would prevail. The masses were undecided and wanted a leader. At this critical moment, and as if by the direct interposition of the Almighty, Mr. King stepped into the breach and became the champion of his country. Taking the Constitution and Washington for his texts, he went forth appealing to the people. They had not before been taught their duty. They had been waiting to be told what course to pursue. He at once directed and controlled public sentiment. He lost no opportunity to strike a blow at the rebellion. Visiting different sections of the State, he kindled the fires of patriotism wherever he went, by his matchless eloquence and unanswerable arguments.

Not the least of Mr. King's efforts were his labors in the cause of the United States Sanitary Commission. He early understood and appreciated the vast good which

that organization was capable of doing. He considered it the grandest and most magnificent scheme of charity the world had ever known, and he labored faithfully to promote its interests. Conceiving that the isolation of California had deprived the people of the State of the opportunity of assisting the Government in the suppression of the rebellion, he thought that no better channel could be afforded to loyal citizens to manifest their devotion to their country than by contributing their money to the Treasury of the Commission. Who does not remember his magnetic speeches in Platt's Hall, and the liberality with which the people, within a few days, poured out their hundreds of thousands? For the purpose of keeping loyalty alive, and also for the purpose of advancing the cause of the Commission, he traveled through nearly every section of the State. He visited Oregon, Nevada and Washington Territories, and even extended his journey to Vancouver. Wherever he went his influence was felt, and the people liberally and willingly poured their money into the Treasury of that organization. I would not detract from the generous and well-timed efforts of those self-sacrificing gentlemen who coöperated with him in his herculean labors, but I exaggerate nothing when I say, that to him, more than to all others, is due the glory of contributing so princely an amount to the Treasury of the Commission, that California now stands foremost in the sisterhood of States, upon the score of generosity. He was just preparing another campaign in the interior, when he was stricken ill.

I have a large correspondence from him, written while engaged in his patriotic travels. When absent from the city, and relieved of the cares incident to the life of a clergyman, he seemed to be particularly happy. He would derive inspiration from nature. His spirits, always cheerful, were, on such occasions, exuberant, and oftentimes rollicking. Although the tone of the letters I now propose to present does not exactly accord with the sadness that now pervades this congregation, I cannot refrain from reading some of them here. They present a phase of the character of our dear pastor, which you have

all enjoyed, and which was one element through which he reached the heart of the people. His genial disposition, his love of humor, and his passionate fondness of Nature, never failed to shine brightly when engaged in correspondence.

Early in 1861, he traveled through the northern part of the State, delivering patriotic lectures. From Yreka he wrote me as follows:—

YREKA, May 29th, 1861.

Here I am, perched on the top of the State, where I can almost toss a copper or a "five-cent piece" over to the Yankees in Oregon—but I shan't try it, for fear of corrupting their Union principles.

My health is very good. The journey has been quite fatiguing. From Shasta to Yreka we were twenty-seven hours on the road, and I had an outside seat day and night without a shawl. But I am all right, and my brain has settled again right side up, I believe.

The weather was very cloudy from Monday, when I started, till last Sunday. Then from Shasta town I caught the first view of Shasta Butte; it was just after sunrise, and the view was glorious indeed. I preached after the vision for a Methodist minister, and ought to have preached well; but am afraid I didn't.

To-night I am to speak in a village with the sweet name of "Dead Wood," and to-morrow I shall dine and sleep at your brother's, in Scott Valley, and speak in the evening at the very important and cultivated settlement of "Rough and Ready." "Scott's Bar" wants me. "Horsetown" is after me. "Mugginsville," bids high. "Oro Fino," applies with a long petition of names. "Mad Mule" has not yet sent in a request, nor "Piety Hill," nor "Modesty Gulch," but doubtless they will be heard from in due time. The Union sentiment is strong, but the seccessionists are watchful and not in despair.

Yesterday I devoted to a study of Mt. Shasta. I had it in view for ten hours, and sucked it in as an anaconda does a calf. It is glorious beyond expression—it far exceeds my conception of its probable grandeur. I am glad that I called my book the "White *Hills*." To-day is

very cloudy, and this mountain is shrouded to the base. Yesterday was the first perfect day that has been here in a fortnight, so I was truly favored. You should by all means see Shasta, and the Scott Valley, where your brothers live. The whole region is sublime. I shall have lots to report to you on my return. I hope your preaching has been good and well attended.

With cordial regards, believe me sincerely yours,

T. S. KING.

The following year he again visited the northern part of the State. During the journey, he frequently addressed me. I will read one characteristic letter.

YREKA, July 21st, 1862.

I have received your telegram to-day, for which, *except* your paying for it, please accept my thanks. I ordered the word to be sent to you—"Answer paid here." If you received it and still paid, you did a *mean* thing, which can't be settled till I return.

It is quite hot here to-day, but as it is not 100° nobody calls it hot; anywhere in the nineties, even 99° is moderate—a hundred is hot. We rode all night of Saturday through from Shasta here, making the trip in twenty-eight hours. The journey from here will be terribly hard, and I almost regret that I made the overland trial. From Jacksonville, where we go to-morrow, to Salem, will be as tough as it can be—it will take three or four days. I doubt if I shall have time to see all I wish to of Oregon and Puget Sound. It will take me another week to reach Portland, and I begin to fear that I shall have to abandon the whole Puget Sound and Victoria expedition. And the expenses are simply frightful—it cost me over eighty dollars for passage from Marysville to Shasta town, and if I travel through part of Oregon by extras, as I must, sixty dollars a day will be the lowest I can do it for, and I have purchased through tickets besides.

We have seen Mt. Shasta to-day. He is splendid, but not so glorious as last year, for he has not so much snow

as then; but it is a magnificent sight indeed. I shall drive out again at sunset to see him, and then come in to lecture here once more. In spite of secession and Greathouse they will have a lecture again. I didn't wish to, and am sorry that I consented.

I hope the church plans are finished, and the working near at hand. Good word to everybody. From your friend. T. S. KING.

P. S.—Tell W. M. that it lifted a load from me to learn that his father is brighter. Give my sincere sympathy and greeting to the good Captain. T. S. K.

His last expedition to the country appeared to invigorate him more than ever. His spirits ran unusually exultant.

LAKE BIGLER, June 5th, 1863.

I arrived here this forenoon, about ten o'clock. The stage ride from Folsom to Placerville was very hard; but we took an extra from Placerville on and found it delightful. The scenery is nobler than I anticipated, and the situation of the Lake is certainly one of the wonders and masterpieces of scenery belonging to our insignificant little globe. It is of no use to attempt to describe it—I will tell you about it when I return. There should be a law compelling all Californians to visit the Lake on pain of—being transported to the East. It will be a great benefit to me, I am sure, to breathe the keen invigorating air for a few days, eat trout by the hundred weight, hear the roar of the wind through the noble pines, and look at the abundant snow on the superb peaks over the inland sea. I don't feel as though I ever had a head—and this in two or three hours.

Yours, sincerely, T. S. K.

I will cull extracts from one more letter written while on this tour, which illustrate not only his exultation of spirits when relieved of professional duties, but also how his best thoughts were always of his parish.

LAKE TAHOE, June 25th, 1863.

Ever since Eve ate the apple, clothing has been necessary to the human race, and J. C. M. (admirable man) became an indispensable element in civilization. I wore my best clothes in Nevada, and my extreme hope now is to induce them to hold together till I can get back. But if I address the citizens Fourth of July, I must be decently clad. So for a commission for J. C. M. If he has my measure, let him make me at once a coat, vest and pants—black. I would like to have the coat a *leetle* larger than the former one, which was a little too short in the waist and tightish under the arms. It fitted *too well.* I hate to have a man give me *fits.* When a secessionist comes in, let M. do his best in that line. If Mr. M. can make the clothes to be ready on the morning of July Fourth, and will make them *first rate,* I will wear a placard during the delivery of the oration: "Buy all your clothes of J. C. M., one of the best men on the Pacific." Will you carry the message to him at once?

The weather is glorious here. A friend went out before sunrise and caught four large trout, one of which I ate for breakfast. I have received a noble hymn from Bartol for the dedication of the church.

I feel ashamed not to be home for next Sunday, yet cannot help feeling that it is wise to stay. The next four months will try my constitution more than any similar period of my life, and I believe the entire rest here will be profit to the parish.

Tell Georgie there are three young eagles here which were taken from a nest in a high tree last week. They have great claws and splendid eyes. How he would like to see them! and I wish he could. If I could send one of them to him in this letter I would, but I am afraid he would stick his sharp bill through the paper before reaching Sutter street.

Your friend always, T. S. KING.

I have no doubt that his constant studies and his anxieties and unrest here undermined his constitution, and, as the resolutions say, precipitated his death. I can

never forget the last time I saw him out of his own house, the Friday before he died. He appeared much depressed in spirits—complained of aching bones and a sore throat, and said that he felt like a sponge squeezed dry. Not being well, he was particularly *sensitive* that day—was unusually thoughtful and sad. When we parted, he expressed a fear that he would not be able to preach on Sunday, and felt deep regret at the thought, for he had made considerable preparation for the vesper service, which he declared would be the richest of all; and then, he said, he had several important notices to give—particularly the one in regard to the social gatherings on Wednesday, in which he took so deep an interest, and of the success of which he was so very proud. "But," said he, as we separated, "come around in the morning, before you go down." He returned to his home never to leave it, save when his spirit took its flight to regions beyond the stars. Morning came, and Mr. King was perceptibly worse. He had changed materially, and I saw that he was a sick man. I did not, however, appreciate the extent of his illness until the following evening—Saturday. He had invited two or three friends to his house to take a cup of tea and pass the evening. Finding himself unable to be personally present, he sent to me to request that I would join them at the table. I knew that Mr. King must indeed be very feeble to deprive himself of the pleasure of the society of his own invited guests—and he *was* feeble. While we were at supper, a bridal party came unexpectedly. Here his spirit of self-sacrifice shone out resplendently, for although he was too much prostrated to see his personal friends, he yielded to the urgent solicitations of these strangers, who he begged would excuse him; arose from what proved to be the bed of death, dressed himself and came down the stairs to perform the marriage ceremony.

The wedding ought to be doubly sanctified to the bride and groom for the heroic spirit of kindness and generosity which prompted him, under such circumstances, to perform the ceremony—the last professional act of his life.

After the ceremony, we met in the hall. He looked

wretchedly. He was on his way to his bed, from which he was never to rise. Still he was cheerful, expressed his regret that he could not remain longer with his friends, and indulged in a few pleasantries before leaving.

From that time the disease "crept on with slow and steady pace." On Wednesday, his physician, in view of the great value of his life to his family and the country, advised with some of his friends as to the propriety of a consultation. It was then apparent that Mr. King's life was in danger. On Thursday, there seemed to be a change for the better, and it was evident the disease was mastered; but he was suffering from great physical prostration and exhaustion of the vital energies. If the usual tone of his system could be restored and strength given him, there would be no doubt of his recovery. But this was not to be. That evening, alarming symptoms manifested themselves. He rallied, however, and passed a tolerably comfortable night, sleeping well and breathing with comparative ease. We were all much encouraged, and believed the worst was passed. It was only the calm that precedes the storm—a lull in the fury of the disease preparatory to a last desperate onset. For, on Friday morning, just before six o'clock, while I was standing by the bed-side with the physician, who also had been with him all the night, a perceptible change took place in his appearance which told too plainly that the time for parting had come—that the angel of death was there, and that our dearly loved pastor and friend would soon pass "beyond the sightless verge of this land of tombs."

The scene that then followed no pen can desribe—no imagination can conceive. Mr. King had achieved many triumphs for us by his toil and genius. The time had now come for him to achieve the *crowning* triumph of all —a triumph of his religion—a triumph over death, and a vindication of his life and character.

Dr. Eckel approached the bedside for the purpose of informing him that he could not long survive. But Mr. King, who had watched the progress of his disease with all the precision of a scientific observer, and all the coolness of a disinterested spectator, though not without

solicitude, had discovered the change, and anticipated him by inquiring as to the character of this new sympton, and whether he could survive it. When told that he could not, there was not the slightest evidence of agitation. He calmly and inquiringly looked in the doctor's face, and asked how long he thought he could live; as if he desired to know as nearly as possible how much time was allowed him on earth to make the necessary preparation. When told but a half an hour, he immediately replied, "I wish to make my will." Remembering that he had told me at *some* time that he had left a will in Boston, I answered, "Have you not a will already, Mr. King?" He promptly replied that his "little boy was not then born."

Some little time was consumed in preparing to write by his bed-side, during which he appeared to be sinking rapidly. I feared his life would not be spared until he could sign the document. But when the preparations were made, the power of his will became manifest. Then commenced a desperate struggle to sustain life until his temporal arrangements were completed; for although he had not been able to speak louder than a whisper, he now, by a strong effort, raised his voice to nearly its ordinary pitch, and clearly and forcibly enunciated his wishes, saying no more than was necessary, and leaving unsaid nothing. Having finished this task, he seemed to be much exhausted. I approaced his bed-side with the will in my hand, that it might be read to him previous to signature. He had then apparently relapsed into a comatose state. I said, "Mr. King, can you hear me?" He opened his eyes with a smile and said, "Read on." Turning his head slightly, in order to catch every word, he answered, at the end of each paragraph, "all right." And when the reading was concluded, and he was asked if anything more was to be added, he replied, "No, it is just as I want it." Waiting a moment as if in thought, he then said, "Add that all other wills are hereby revoked; you know I have another will in Boston." We who had *not* death staring us in the face, had failed to detect this omission of so vital a clause. He was more calm than any of us. He

was raised in bed, in order that he might sign the document. With a book for his desk, he took the pen with a steady hand, deliberately dipped it in the ink, and, to the astonishment of all around, wrote his name (which even a well man could not easily write surrounded by such difficulties) with a firmness and rapidity and ease not surpassed even by himself. He looked carefully at the signature when finished, punctuated it as usual, reached the pen to one who was standing by, and "laid him down to die."

Recovering in a minute from the exhaustion of the effort, he began to bid farewell to those around him. The scene was sublime beyond description. A cordial smile played upon his features. As one by one approached the bedside of the dying man. he extended his hand to them heartily. To one he said, "Goodbye, Colonel;" and, seizing him with *both* hands, he added —"God bless you." To an attached domestic he said: "Good bye, Sarah—I thank you for all you have done for us." To the faithful nurse, "Good bye, Kathreen—take good care of Fretzie."

He appeared to have no thoughts of self, but was speaking words of cheerfulness and consolation to those around him, to the last moment. He whispered to his wife, "Be sure and tell Dr. Eckel I think that he has done everything that a human agent could possibly do for me." He expressed to her his wishes as to the disposition of his manuscripts, and spoke freely with her upon all points in relation to the family. He said, "Do not weep for me, I *know* it's right. I wish I could make you feel so. I wish I could describe my feelings. It is strange! I feel all the privileges and greatness of the future." To his friend, Mr. Low, he said: "I see a great future before me. It already looks grand, beautiful. I am passing away fast. My feelings are strange." It was evident that Mr. King was watching with *intellectual* interest the approach of death, and the passage beyond this vale of tears. The condition and mysteries of the future state had been a subject of passionate study and religious speculation for many years. He knew that they

were now all to be revealed to him in a few minutes, and I am persuaded that his spirit soared exultant at the thought. His wife asked him if he had any particular message for friends at home. He replied: "Tell them I went lovingly, trustfully, and peacefully. A few moments later he said, as if dating his own death: "To-day is the fourth of March; sad news will go over the wires to-day."

I approached his bedside—he extended his hand to me, and said, with a sweet smile playing upon his features, "Good-bye, Swain; keep my memory green. I wish you to say to my Society, that it is my earnest desire that they pay the debt upon the Church, and not leave the burden to be carried by my successor. I had rather they would do this than erect a tomb-stone at my grave. Let the Church, free of debt, be my monument. I want no better. Tell them these were my *last words*, and say 'Good-bye' to all of them for me."

After this he seemed to be quiet a moment, as if sleeping. I spoke to him and said: "Mr. King, are you happy?" Turning his head slightly and looking at me with his bright, full eyes, he answered: "Yes; happy, resigned, trustful."

"The Lord is my shepherd: I shall not want.

"He maketh me to lie down in green pastures: he leadeth me beside the still waters.

"He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

"Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod, and thy staff, they comfort me.

"Thou preparest a table for me in the presence of mine enemies; thou anointest mine head with oil; my cup runneth over.

"Surely goodness and mercy shall follow me all the days of my life; and I will dwell in the house of the Lord forever."

If I had the tongue of an angel, I could not depict the triumphant glory of this scene. His voice was raised to a loud tone, and he lifted his hand and pointed his

finger with that peculiar gesture so characteristic of him in the pulpit. He did not pronounce this Psalm in rhapsody—nothing of the kind—it was said calmly and deliberately and thoughtfully. The Psalm is an expression of confidence in God's grace; and what more appropriate reply could be made to the inquiry if he was happy? It was a spontaneous and incidental outpouring, and but for such a question, would probably never have been uttered.

His charming little boy, not quite two years of age, was brought to his bedside. He saluted him by saying "Beautiful boy," and his last act was to throw a good-bye kiss to him as he was taken from the room. In a few moments he had passed away, like a child falling asleep. He said he had no pain whatever, but continued to breathe slower and slower, and without a pang or a struggle closed his eyes, and ceased to live on earth.

In giving you this narrative, I have simply performed what I consider to be a duty. I hope that I have not tired the patience of this congregation. My relations with Mr. King were at first professional, in the capacity of Chairman of the Board of Trustees. Subsequently, these relations were absorbed in the higher and more sacred relations of one who loved and honored him.

During the whole of my intercourse with him, I never knew him to utter a selfish thought, or do a selfish act, or one, rightly interpreted, that could be tortured to *mean* selfish. His language was always pure and refined, and he never uttered a sentiment in my presence that would be unfit for the most fastidious ear. He is now gone to reap the reward of his works in Heaven. "Let us fondly think of him, and aspire towards him, and pray for a purer soul, that we may mount to his celestial circle at last." In the faith that there is to be meeting and recognition of friends hereafter, his friend Alger, whom he so loved and honored, eloquently says: "The death of friends will come as a message from the Great Father—a message solemn, yet kind—laden, indeed, with natural sadness, but heightened with sure promise, and followed by Heavenly compensations. If tears flow, they flow not in

scalding bitterness from the Marah fountain of despair, but in chastened joy from the smitten rock of faith."

The following Poem may very appropriately follow the foregoing sketch of THOMAS STARR KING'S life. It is from the pen of his especial friend, JOHN G. WHITIER.

Gone to thy Heavenly Father's rest—
  The flowers of Eden round thee blowing!
And, on thy ear, the murmurs blest
  Of Shiloh's waters softly flowing!
Beneath that Tree of Life which gives
To all the earth its healing leaves—
In the white robe of angels clad,
  And wandering by that sacred river,
Whose streams of holiness make glad,
  The City of our God forever!

Noblest of spirits! not for thee
  Our tears are shed—our sighs are given:
Why mourn to know thou art a free
  Partaker of the joys of Heaven?
Finished thy work, and kept thy faith
In Christian firmness unto death:
And beautiful, as sky and earth,
  When Autumn's sun is downward going,
The blessed memory of thy worth
  Around thy place of slumber glowing!

But woe for us! who linger still
  With feebler strength and hearts less lowly
And minds less steadfast to the will
  Of Him, whose every work is holy!
For not like thine is crucified
The spirit of our human pride:
And at the bondsman's tale of woe,
  And for the outcast and forsaken,
Not warm like thine, but cold and slow,
  Our weaker sympathies awaken.

Oh, for the death the righteous die!
  An end like Autumn's day declining,
On human hearts as on the sky,
  With holier, tenderer beauty shining:
As to the parting soul were given
The radiance of an opening Heaven!
As if that pure and blessed light,
  From off the Eternal Altar flowing,
Were bathing in its upward flight,
  The spirit to its worship going.

Lecture of Rev. Thos. Starr King,

Delivered before the Dashaway Association of San Francisco, July 10th, 1860.

I have always considered it a high privilege to address or speak in behalf of so noble an association as the one before me, or of any subject connected with its condition and progress. It is not my intention to speak of the great principle endorsed and honored by the Dashaways, nor of the abstract and moral grounds of total abstinence. I purpose attempting no panoramic sketch of dissipation—no grouping and massing of its unknown effects. I prefer to address myself more to the fresh and practical effect—and it were well, if in every phase of the social fabric we all did the same. I would rejoice if in every village and hamlet of this State the gifted man of eloquence could be heard cursing the spirit of Drink and Ruin, his words a tissue of its woes, presenting in hideous aspect the unsatisfied cravings, the unquieted doubts and fears, the tottering prosperity, the undermined strength, the blighted hopes, the defeated aspirations, the seared promise, the ruined happiness, and the fearful woes engendered and fostered and quickened by that abhorrent Spirit which has sapped the vigor of our great nation, whose history talks of so many prominent men whose minds have wavered and their reason fled; of sages whose towering intellects have become but as grand and imposing ruins before it; of the throne of reason with its delicate nerve of conscience befogged and bewildered; of war, and duelling, and lust, and murder; of the teeming scaffold, the insidious disease, the frightful insanity, the drivelling idiocy; of the wasted field, the dilapidated house, the scanty board, the untenanted hall, and the husband-deserted hearth, with the heart-weary wife sitting shivering beside it; of the forsaken children, so interesting in their very tenderness of helplessness—that Spirit less scrupulous than the majesty of Denmark! But it requires something more than the eloquence which vindicates and sustains and fructifies an intangible principle to stay the evil—something better than the most vigorous descriptions of all I have imagined—something which wastes no influence that can possibly be excited—something which shall do more than a score of the most eloquent orators—*organized action!* An organization is far greater than an idea, for a principle is always connected with it; but it is a corporeal idea—a principle in action! and what is grander in the domain of awful effects? Until thus clothed, an idea is powerless, and bears about the same analogy to its active operations as does a shadowy ghost to a sturdy man. To illustrate the matter I will tell a short anecdote. Twenty years ago, in Boston, lived a man—an artist, a dear friend of mine—who was very fond in his youth of talking to a most eloquent preacher, the fame

of whose fiery genius was spread abroad throughout the continent. One night they were sitting talking together in the luxuriantly furnished parlor upon the Divine's favorite theme—the dignity of human nature. He was discoursing more particularly of what a true Christian spirit should do for the abandoned, the outcast and the desolate. Suddenly, in the midst of his converse—in the richest paths of the grand fields of philanthropy he had opened to the entranced vision of the artist—the door-bell rang violently! The servant came up hastily, and said a man had forced himself into the house and demanded to see the preacher. Together, he and the artist went out to see the strange visitor, who had forced his way into the house in an intoxicated state. He said he was starving, aud begged the preacher to give him wherewithal to support life. Here was a man drunken, shivering with cold, famished with hunger, and begging sustenance—a rough worm to hide in the rich cocoon of a preacher's elegant mansion. But his delicate sensibilities shrank from this rude contact with the actual, and he exclaimed, dolefully: "What shall I do with this man?"—then, "I will send for an officer, to take him to the station-house." "Stay," cried my artist friend, who had been wondering at his strange conduct and inconsistency; "I did not listen to your interrupted discourse without becoming deeply impressed by the sublimity of benevolence and good-fellowship between man and man, so gorgeously developed by your glowing tongue. It taught me my duty. I will take the man."

So, taking him by the hand, he led him from the imaginative philanthropist, who had shrunk nervously back from this one atom of degradation, took him to a restaurant, gave him a bowl of highly prosaic clam soup, and gave him bed and board in his house till he obtained work. Here was a bit of organizing power put in working order by an idea.

To drunkenness, a banded and fierce wordy opposition is not enough. Society wants more. Neither can the evil be overthrown by the strong force of social pressure, unaided. New forces must start. A new corporate body is needed to act against the corporate despotism of drunkenness. This barrier is the Dashaway Association, which gives, in its Home for the Inebriate, protection and nutriment, and thus holds out organic temptations to the drunkard to forsake his career of excesses. A great many people are contented with the recoil of their sensibilities from evil. From degrading companionships they shrink back. This is the natural tendency of moral characters who separate themselves from the worthless and depraved; and so we see streaks of good and bad in all nature—in nations and in cities—like the stratifications of the earth's geological formation. This tendency is governed by the great law of retribution—of punishment and reward—of life and death. Christianity works at right angles with these strata, and, coming in contact with all, stakes the organic fibres of a better nature to work against the bad, and she does it by the word *Redemption*, and by the method *Grace*. Every parish is composed of

an aggregated idea, differing from other parishes—and even "the Word" is a stratified Revelation. But if this cold classification—this sedimentary process—goes on the good and bad in associated districts, diverging from the great centre, and rapidly separating and keeping as thoroughly apart from each other as do the Americans and Chinese, where will it end? Redemption by sympathy of classes—*that* is the binding link now being forged by the Dasha-away, and that is eminently Christian. This Association is actuated by the proper principle, and pursues the proper course. It pledges itself, not others, and indulges in no denouncement of others, but looks with the sacred eye of Pity at the debased of society, and beaming with the bright purity of Benevolence, takes him by the hand.

This Association is composed of all classes, and consequently the silent appeals made by practical workings are responded to by all grades. Its progress has been astonishing—like the great Washingtonian movement, which, twenty years ago, swept like a whirlwind through the country—arousing from its lethargy, and awaking from its latent inertness, the burning spirit of eloquence, till now slumbering in the brains or closeted in the thick-tongued and besotted victim of the hellish vice which his own voice was now raised, trumpet-toned, to crush. Every here and there, throughout the States, sprang up an intellectual and fire-endowed orator—like a Lazarus bursting his own bonds, and going forth to preach to others suasion and sympathy, rather than law. But the season of revival soon fled. And so it is ever, that the seasons when men are used as pipes through which to blow the Divine breath of Inspiration are short, and soon pass away. Extraordinary success always brings extraordinary trials in its brilliant train which must be met with becoming fortitude. From what I have seen and heard and read of the operations of your society, since my arrival in this city, I should judge that the first excitement is over, and the enthusiasm of principle may now be created to advantage. The Twelve Apostles were each representatives of different characters, for Jesus knew that by choosing them he must, to accomplish his aim of regenerating all, take types of the different classes. Else he would fail to reach their sympathies. Peter, James and John, the three most loved and favored of them all—how diverse in position, character, style and temperament were they! In their intercourse with the people they touched three separate keys—initial notes, which were no more alike than are the deep, hoarse tones of the trombone to the silvery sweetness of the flute. If one tried to be the other it would be as jarring as the note A on the piano insisting on sounding E!

One thing you should be careful of. Be not too easily swayed from your original plan by the evil whispering of those who would prove your ruin. Some say you are not strict enough—others that you have resolved to keep alive an uncompromising spirit. It is impossible to please all. Keep on in your own way, (as originally marked out by you) in that broad missionary spirit which has en-

nobled your association. The plan could not, I think, be better. You have steered clear of creeds, obtained the respect and admiration of nearly all, and incurred the animosity of none. You keep the common Sabbath, assembling to hear your preachers, and lending additional sanctity to the day by the confirmation of those who have passed the period of their probationary trial. Your institution, as it now stands, is a great and splendid spectacle—a new and magnificent effect! Guard it, then, with most sedulous vigilance; and if you do, the novel and glorious movement must prove a *lasting* impulse of practical results. Now is the time, if ever, to stand firm.

The Home for the Inebriate, a part of your admirable organism, must be carried on. State aid should be invoked. It is now in its mere infancy, and must be raised to a vigorous maturity. It was honor enough for any convention of brains to devise the plan, shown by its excellent working to be perfect; and I think, by every consideration of justice, of honor and of duty, (regardless of mercy) the Legislature is bound to foster such an institution. The State provides asylums for the insane, the deaf, dumb and blind. Insanity is a disease. Medical men agree that the appetite for liquor is a disease, requiring medical treatment. How can the State refuse that bounty which will foster an institution whose workings will save the State expense in others? You have long borne the onerous burthen of its support. Raise private subscriptions, ask church collections to support it in the mean time—till you gain State aid—and scarcely one, I trust, will refuse; for crowd all the godliest churches of the universe together, those walls which gleam with the loftiest lustre of Christianity, and the *supreme* church—the Home of the Inebriate—would burn with the richest tinge!

There is, too, it seems to me, a fine opportunity for your association to confer another immeasurable benefit upon society. Mental culture is painfully neglected in our land. It makes me sad to think of the feebleness of intellect exhibited by us. A well selected library, free to all, would indeed be a boon to the masses. What new and fascinating fields do libraries offer for intellectual rambles! The young men of the present day, of all classes, are lamentably ignorant. Their mental powers after their school days, are wofully neglected. They are false and perilous traitors to themselves. True, they do much newspaper reading, and there is much to admire and profit in many newspapers; but after all, it is mere desultory reading. The period between youth and marriage is the noblest time for reading and storing the mind with the riches of literature—which can best be done by a properly systematized course of pleasurable study—a path lifting the student out of the consciousness of the mere animal, making him lose and forget his taste for sensualities. Literary matter may not create character, but it may influence it. Genius, a gift often connected with erratic fire, is ever hungry for intellectual food; but because it has in some cases floated down to depravity, is no argument against indulging the mental appetite. Libraries open up to us the delicate organiza-

tion of the brain, the wonderful formation of the eye, and their perfect connection; the strange meaning of the hand, the scratches upon the rocks, the marvelous beauties of the flower, the mysteries of the ocean, the land, the clouds, the air, and the starry wonders of the heavens! We have some collections to be proud of—the Mercantile Library, and Odd Fellows' Hall, and Mechanics' Institute—and I think every man as he passes those structures in his street walk, should breathe a small prayer for the blessings conferred by them. Your library rooms may be made a mossy fountain of knowledge, so vastly greater than desultory addresses. And then the long autumn and winter evenings are coming on apace. Perilous times for the young men! Tempt them with the garnered mental treasures of astronomy, botany, chemistry, and all the arts and sciences. It is written that our first parents were tempted by the Serpent with the fruit of the Tree of Knowledge, but alas, I fear that the men of *now*, would have to work hard to reach the elevation of Adam's fall!

In the brawny chest and muscular arm of Heenan there is *something* to admire, something more than a mere idea; and the battering of a human face is not half so disfiguring as the traces of *one night's orgie*. MILTON has made fiends interesting, and even murder and war may be woven into readable shape; but there is no room for so debased a form as the Demon of Alcohol in MILTON'S *Pandemonium*—a form more sickening than the grizzly terror which guarded the portals of Hell.

Oration by Rev. Thos. Starr King.

DELIVERED BEFORE THE GRAND LODGE OF FREE AND ACCEPTED MASONS OF CALIFORNIA, AT ITS ANNUAL COMMUNICATION, MAY, A. L. 5863.

Most Worshipful Grand Master and Brethren of the Grand Lodge:

In offering salutation to you, with cordial thanks for the honor and privilege connected with the office and duty you have entrusted to me, I shall only attempt briefly, in the discharge of that duty, to note two or three points of harmony and correspondence between the structure and working of our Order and the handiwork of the Almighty in the external world.

We belong to the great Fraternity of Free and Accepted Masons. The implements of our Craft, however, are no longer for operative toil. We do not now, as part of our covenant, set fast the Doric pillar, nor release from marble the ornament of the Corinthian capital. We no longer sketch the complications of Gothic piles, and cement the buttresses of haughty towers, and carry up, course by course, the aspiring stones of pinnacles. The tools of the Craft

are representative now of speculative truth, and speak to the inward eye of laws and duties that make life noble and character symmetrical and strong. Yet, though we build no structures such as our ancient brethren reared; though the temples in which we meet are not the monuments of our own proficiency in the art whose instruments we cherish; we are builders and preservers in a richer sense; for our Order itself grows stronger and more precious with years, and its uses are more varied and beautiful with the lapse of time.

The Masonic organization is far more remarkable and wonderful than the noblest edifice it ever added to the landscape of history. Let us pause, brethren, on the word "organization." That is the great word of the world. The Almighty is *the Organizer*. He creates elements in order to mingle and fraternize them in composition and products. In the original chaos, matter was unorganized. The process of death is dis-organization. All the marvels of beauty, all the victories of life, are exhibitions and triumphs of organizing force. The most fascinating chapters of science are those whch unveil to us the vast fields which the forces traverse that sustain the highest forms of life upon the globe.

A crystalized gem is the most attractive form of solid matter, because more thought and skill are expended in its structure than in any other stony combination of atoms. A flower is of a higher order of charm, for more various and more subtile elements are wrought into its composite loveliness; and then the provisions for the growth and support of the flower affect us more profoundly still —the mixture of the air, the various powers hidden in the sun-ray, the alternation of daylight and gloom, the laws of evaporation and of clouds, and the currents in the air that carry moisture from zone to zone for the nutriment of vegetation. We soon find in nature that no element or force exists unrelated. It is in harness with other elements for a common labor, and an interchange of service for a common end. *Organization* is the idea which science impresses upon us as the secret of life, health, power and beauty in her realm. An organized product can appear only from forces of nature, which are the movements of the Divine will. Man can arrange, manufacture, weave, forge, adjust, refine; but he cannot organize as nature does. He can make machines through which the forces of nature will play for cunning ends; but he cannot conjure the principle of his life into any mould of his making. He can start shuttles that will weave a carpet for the reception room of a palace in one loom; but he can build no mill, he can start no laboratory, where the warp and woof of the banana leaf can be plaited. He can tell how the sugar is secreted in the veins of a clover blossom; but he cannot make the clover seed. And you might as well ask the wisest scientific man to fashion a world, as to create one of the green needles which a pine tree produces by the million, or one of the innumerable blades of grass.

But the great glory of organization is when it is revealed in human life. The highest structure of the creative art is the body of man, representing in its complexity and the friendly partnership of

its powers, the system and coördination which society should attain; and it is a marked epoch in history when a new movement is made which succeeds in organizing men widely and permanently for noble and beneficent ends.

We are not intended to be separate, private persons, but rather fibres, fingers, and limbs. The aim of religion is not to perfect us as persons, looking at each of us apart from others. The Creator does not propose to polish souls like so many pins,—each one dropping off clean and shiny, with no more organic relations to each other than pins have on a card. We are made to be rather like the steel, the iron, and the brass, which are compacted into an engine, where no modest bolt or rivet is placed so that it does not somehow contribute to the motion, or increase the efficiency of the organism.

In savage life, men are slightly organized. A savage tribe is like a heap of sand; the atoms are distinct; they are aggregated, not combined; no beautiful product springs from them; and the first wind of disaster blows them away. A half-civilized nation is but slightly organized, so far as noble purposes and high sentiments are concerned. Progress is marked by wider, higher, finer developments, issuing from the combination and copartnership of souls. There can be no such things as justice, until men, in large masses, are rightly related to each other. There can be no prosperity in a community until the majority of its people are so organized that their minds receive training, and their energies are unfettered. There can be no happiness except as the result of proper relations permanently established between the different classes or strata of the social world.

"No man liveth to himself." "Whether one member suffer, all the members suffer with it; or one member be honored, all the members rejoice with it." "How good and how pleasant it is for brethren to dwell together in unity!" When a compacted unity of living beings is seen, one of the most precious objects for which the world was built is attained. A large and well ordered family is such a jewel. A neighborhood at peace, and free from scandal, is —or, rather I should say, would be—a still more precious jewel of the same quality. A State, a Nation, so constructed that the forces of all ranks of its inhabitants should be brought into play, and the rights of all ranks should be saved from pressure, would be a more marvelous and a more inspiring structure than the material order and harmony of our solid globe.

It is in the light of this principle that the value and nobleness of *Masonry* appear. I say again, that no edifice which our ancient brethren reared was equal to the living structure of which they and we are portions. How often we read, or hear with pride, that in the building of the first temple, the stones were made ready before they were brought together; so that there was neither hammer, nor ax, nor any tool of iron heard in the house while it was building! What is that to the growth of our Order itself? How quiet the process, yet how constant! Who hears the noise of it? Who sees,

or knows, when the sound timber and the approved stones are brought together, and fitted, and lifted to their place amidst the roar, and strife, and selfishness of the world? Yet, in thousands of towns and cities of the world: in all its zones: in almost all communities and tongues of men, this work, in substantial sameness of method and pledge, is going on. The Temple of Solomon must stand as it was built. It could not enlarge itself. It could not bud with smaller temples, and then take them in under a widening roof or a swelling dome. Neither, when some of its pillars decayed, could it restore its own decrease, as the living cedars of Lebanon repair their wastes and renew their leaves. But our conscious temple does all this, and noiselessly. It fills in its losses; it enlarges its sweep and sway; it does it through men of all conditions, and classes, and races; and still it stands in its old proportions, though in greater amplitude—symmetrical, mysterious, sublime.

This is the most remarkable social organization of the world. None on the globe, with half so many elements in its composition, is so old. We are told of late that excavations made under modern Jerusalem disclose remnants of the old city in various periods of its history. Portions of the massive masonry of the time of Solomon are uncovered. Above these appear fragments of the work of Zerubbabel. On a higher historic stratum are specimens of workmanship from the age of Herod the Great; and still above these, but below the level of the present city, are remains of the constructive toil ordered by Justinian. We delight to feel, brethren, that the past, measured by as many ages, is under us; but it is not beneath us in a broken symmetry, and a dead grandeur, as under Jerusalem. It is rather beneath us as the roots are beneath a tree, and as the central rings are hidden in the trunk. They give power and pith to the structure still. They are part of its present majesty, sources of its living vigor, prophecies of its future strength.

We should take satisfaction, brethren—nay, a noble pride—in the consciousness of the age and vastness of our organization. If a stone in St. Peter's could be conscious, or any portion of the wall, or spire, of Strasburg Cathedral, do you not think that it would rejoice in its position; that it would be exultant over its partnership with other stones in rearing the grandeur of such a pile for such worthy uses? If any fragment of such an edifice could be conscious, and did not feel any pride, or any privilege, in its position and its call, would its indifference be a merit, or a shame rather?

How shall it be with us? Shall we not feel that there is dignity, that there is *privilege*, in being living fibres of an organization which has passed from one era of the world to another; which is older than the oldest empire of Christendom; which has on its roll names that sparkle in history like the sovereign stars; and which exists, not for purposes of private aggrandizement, or the selfish joy of its members, but to give deeper root to good principles in the world, and to diffuse the spirit of peace and order? If a Mason is not grateful and glad over his fellowship, it is because he does not appreciate the value in the world of the organization of good.

The idea of organization is connected with the idea of *order*. And here, also, Masonry reflects to us, or rather illustrates in a higher form, the wisdom breathed by the Great Architect through nature. It is said that order is heaven's first law. It is no less true, brethren, that it is earth's first privilege. It is the condition of beauty, of liberty, and of peace.

Think how the principle of order for all the orbs of the solar system is hidden in the sun. The tremendous power of his gravitation reaches thousands of millions of miles, and hampers the self-will—the centrifugal force—of mighty Jupiter; of Uranus with his staff of moons; of cold, and distant, and invisible Neptune. *There's* a Grand Lodge for you, in which these separate Masters are held in check by the Most Worshipful Grand Master's power! Nay, they tell us now of a *central* sun around which all other suns, those fixed stars of the firmanent, bend and sweep. If this suggests an argument by analogy in favor of a World Congress of Masons, with a Grand Lodge of Nations, and a Supreme Master, whose power runs over seas and across continents, girdling the earth like a magnetic stream, I leave it to be discussed by the Committee on Correspondence, in the next volume of our Grand Secretary's admirable reports. But in the case of our planetary system, is it any hardship that our separate globes are so strictly under rule, and pay obeisance to the sun? Is it not their chief blessing, their sovereign privilege? What if the order were less strict and punctual; what if the force in these globes, that chafes under the central rein, and champs its curb, should be triumphant for a day? What if the earth should gain liberty against the pull of the sun? Beauty from that moment would begin to wither; fertility would begin to shrivel. The hour of seeming freedom would be the dawn of anarchy; for the sun's rule and apparent despotism is only the stern and beneficent condition of perpetual harmony, bounty and joy.

Everywhere, order is the great interest. What humanity needs is the fulfillment of these indications of nature: freedom with order; a proper consciousness of worth in every breast; a recognition by each man of the worth and claims of every other; and an acknowledgment by all of a common and controlling law. This idea of order, fulfilled in the architecture of nature, is committed as a trust to our fraternity, and the proper reverence for it is poured out continually through the influence of our hallowed bonds.

For every country that influence is silently wholesome. In lands where the spirit of society does not recognize sufficiently the worth of man, but pays too much homage to rank and name, our Order quietly fosters the principle of the equality of privilege and responsibility under the laws of everlasting justice; and, without being revolutionary, it upholds the honor of human nature, and patiently rebukes despotic arrogance and aristocratic scorn. In our own country, its service is of a different kind. We need more respect for authority; less self-will; a deep sense of the sacredness of law, and education in the habits, manners, and feeling of defer-

ence and loyalty. The rupture of our National Unity, for a time, with its tremendous costs in treasure, blood and agony, is in part the revelation, in part the penalty, in part, perhaps, through the severe beneficence of God, the cure of our chronic insubordination of character to the authority and sanctity of high principles, which has unfitted us, all over the land, to handle the sacred responsibilities and delicate trusts of imperial statesmanship and continental government. Whatever will teach our people reverence, decorum, respect for others in the utterance and defence of opinion, submission to constituted authority with dignity and grace, will be medicine for our trouble, and will prepare for us a better future. I believe that the Order of Masonry, the quiet efficiency of its organism, the regard for forms it fosters, the love of order it induces and deepens, the graceful habits of submission it educates, and the sacredness it pours around organic law and the seats of authority, are a prominent portion of the bonds of civilization in our country, and an immense blessing when we consider our natural perils.

Brethren, let us cherish the duties and trusts of our Fraternity for this good influence that it so naturally and liberally expends. Let us resolve as part of our duty to the Creator, the source of order and law, to drink more deeply of the springs within our enclosure, whose issue is healing and reviving. In the maintenance of the bond and customs of our Order is the pledge of our prosperity, as well as the assurance of our service. *Order has limits.* Let us continue to guard sacredly our limits; to suffer no transgression of them. What a power is represented in the men who have gathered within this temple, during the present week, to superintend our general interests and interpret and apply our law! What harmony has prevailed here, what decorum of speech, what promptness in duty, what efficiency in protecting and guarding the common good! A visitor from outside our fellowship, suddenly brought in here to look, for a moment, at the representative men thus gathered from all sections of our State domain, and to observe, by one glance, the quiet power embodied in the assembly, might imagine, if suddenly taken out again, that there could be something perilous to the public welfare in the association, by secret ties, of so many men of such varied ability, working in seclusion from public criticism and without passion. He would feel secure again by knowing that it is only by keeping rigidly to the work of fostering the interests of the Order, that the dignity, the calm, the freedom from passion, the efficiency, are manifest or possible. Let any other question be intruded here, and there could be no detriment to public interests; for our harmony would break. Volcanic flame and blackness would burst through the lofty and snowy peace. By keeping within our limits alone are we prosperous and orderly; and within our limits our prosperity is the welfare of the community, the good of the State, the strengthening of civilization. Rejoice, brethren, in your privilege; wall off from intrusion the garden of order you have received; and guard the book of your Constitution with the Tyler's sword.

Organization and Order! In preserving these, we are in har-

mony with the will and work of the Sovereign Architect, published in the harmony, dignity, and peace of nature. And one other word must be spoken, so familiar, so precious, to the Masonic ear and heart. You anticipate what it is—*Charity.* In nature, which speaks the wisdom and character of the Invisible Spirit, organization is not for the sake of wisdom and skill chiefly—order is not for the sake of law and obedience chiefly—but all for the sake of *Charity.* There is harmony and stability that there may be breadth of bounty, constancy in giving wherever there is need. Within every district of nature there is beneficence to all the need within that district, and then a pouring out of alms into a general fund of bounty and cheer.

Every mountain upholds and supports the herbage on its slopes, and sends off rills to carry down soil to the vales and plains, while they feed herbage there. You cannot find a tree, or plant, or flower, that lives for itself. The animal world breathes out gases for the vegetable kingdom, and then the vegetable world exhales or stores up some elements essential to animal health and vigor. The carbonic acid we breathe out here, and which is poison to us, blown eastward by our west winds, may be greedily taken up, a few days hence, by vineyards on the slopes of the Sierra, and returned to us in the sweetness of the grape. The Equator "sends greeting" to the Arctic zone by the warm Gulf stream that flows near the Polar coasts to soften their winds. The Poles return a colder stream and add an embassy of icebergs, too, to temper the fierce heats. Selfishness is condemned by the still harmonies of the creation. Perfect order issues out of interwoven service.

Do we ever get tired of the toils and tax of charity? Suppose the sun did. What does he receive in homage or obedience from the orbs that swing round him, in comparison with what he gives—all his light, all his heat, all his vitality for the blessing of fourscore worlds? Shall we complain of the demand upon our treasuries, or our private purses, for the sacred funds of the Masonic Board of Relief? What if the sea grumbled at the assessment which the mighty sun—the Most Worshipful Grand Master of the system—levies on his substance! Every day the sun touches its stores with its wand of light and says, *give, give.* And it obeys. Evaporation is its tax constantly demanded, constantly given. Remember, brethren, that every cloud you see, whether stretched in a beautiful bar across the east at sunrise, or hanging in pomp over the gorgeous pavilion of the retiring day, is part of the contribution for the general relief of nature assessed by the lordly sun. The water which the ocean *keeps* is salt. Pour a bucket of it on a hill of corn, or a garden bed, and it kills it. The water which the ocean *gives* is fresh, and descends in blessing, after it rides in beauty or majesty on the viewless couriers of the air. Nature tells us that to "give is to live."

Society is struggling up to reach the order which nature thus indicates. Civilization is yet in its infancy. There is no town, no village of Christendom yet, where the bounty of nature to all the

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needy is fulfilled. Let us be grateful, brethren, that within our fellowship, charity is organized, as well as law and peace. Our treasury has no avarice in it. The oil poured upon our head flows to the end of the beard and the garment's hem.

How good and how precious it is for brethren to dwell in such unity! May it continue, brothers, and widen through our fidelity and service and beneficence! God preserve our organization, guard our order, inspire our beneficence, and grant that, a century hence, our successors may meet here to enjoy in a larger fellowship the result of our faithfulness, and with a Nation not sundered, but presided over by one Grand Master, heir of the virtues, the hope, and the blessing of WASHINGTON!

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John D. Long

CHARLES E. DE LONG.

BY THE EDITOR.

THIS popular favorite of the Silver State was born at Beekmansville, Dutchess county, New York, August 13, 1832. His ancestors arrived in America from France about the year 1780. It was his father's wish (himself a farmer) that he should follow the noble pursuits of husbandry; accordingly, Charles worked upon his father's farm until his boyhood had almost passed, and he began to think and act for himself. He received a common school education. Before he had completed his studies, or prepared himself for any profession or trade, he determined to strike for an easily acquired fortune in the far West.

Though yet a boy, unacquainted with the world, unaccustomed even to the harsh accents of a stranger's voice, the love of adventure—natural attribute of youth—was so strong in his breast, that the exciting reports from the Pacific shores were sufficient to persuade him away from the old homestead, and tempt him to new and distant regions.

Mr. DeLong arrived in California June 5, 1850, and settled in Yuba county; which county, in after years, honored him with many trusts, and where he remained until his final departure from the State, in 1863.

Immediately after his arrival in Yuba county, the young man, then only eighteen years of age, went reso-

lutely to work. He was no stranger to manual exertion: his father had taught him the true nobility of labor. For years he followed the fortunes of mining life: being not only young, but of diminutive stature, his childish form was daily seen bending in arduous toil.

From 1850 to 1856, Mr. DeLong engaged in a variety of occupations. As the writer has heard him say, in conversation among his friends, "I followed mining, store-keeping, bar-tending, and almost everything else, for a livelihood, until, in 1856, having failed in a mercantile business I was engaged in at Young's Hill, Yuba county, California, I turned my attention to the study and practice of the law."

Mr. DeLong did not attend any law lectures or law-school, for such evidences of civilization were lacking in his section of the country. He studied in the woods; and being of quick perception, and possessed of a natural aptitude for the "accumulating science," he progressed rapidly, and when he thought he could pass a creditable examination, he presented himself before the District Court of Yuba county, and was admitted to practice as an attorney and counselor-at-law. He then opened a law office in Marysville, the principal town in northern California, and entered upon the practice at a time when litigation was rife, and when the Marysville bar embraced many of the first legal minds of the State—Field, Mitchell, McQuade, Barbour, Reardon, Lindley, and others.

In the fall of 1857, Mr. DeLong was elected to the lower branch of the State Legislature, from Yuba county, on the Democratic ticket. He took his seat at the beginning of the session, in January, 1858. During the session of the Legislature in that year, he appeared before the Supreme Court of California, sitting at Sacramento, and was admitted to practice in all the courts of the State. The next year, he was reëlected to the Assembly, on the Anti-Lecompton Democratic ticket—the Legislature convening on the first Monday of January, 1859. In the fall of 1859, he was nominated by the Douglas Democrats for State Senator, for the term commencing in January, 1860, but was defeated by Hon. H. P. Watkins. In the fall of

the latter year, he was again nominated for the State Senate by the same party, and was elected, defeating Hon. N. E. Whitesides, formerly Speaker of the Assembly, and once his colleague in that body.

Mr. DeLong held this position two years. He entered the Senate on the first Monday in January, 1861, and, on the 18th day of that month, introduced into the Senate resolutions in regard to the then troubled state of the Union.

These resolutions were the first of a great many of similar nature, sustaining the Federal Government, repudiating the suggestion of a Pacific Republic, and urging coercion on the part of the general government against the seceding States. Messrs. Edgerton, Watson, Burbank, and others, having offered substitutes, or additional resolutions, upon the subject, the entire file was referred to the Committee on Federal Relations. Upon the report of that committee, a lengthy and spirited debate ensued, in which Mr. DeLong joined. His speech upon the occasion was pronounced by the leading newspaper of the State, "well-considered and forcible;" and, for argumentative power and eloquence, was equalled only by the brilliant efforts of Edgerton and Thornton.

On the 23d of the same month, Mr. DeLong presented in the Senate a petition from a large number of his constituents, praying that the resolutions of censure against Senator Broderick (for refusing to resign, in obedience to the request of a previous Legislature) be expunged from the journals of the two houses.

During his term as a senator, the "Corporation Act" and other leading measures received Mr. DeLong's serious attention. The journals of the Senate and the files of the *Sacramento Union* will attest his industry and his usefulness as a legislator.

In the fall of 1862, Mr. DeLong was again nominated by his party as a candidate for the State Senate, but was defeated, and in May, 1863, removed to "Washoe." The great flood of the previous year had swept over the entire valley of the Sacramento, and erected everywhere its mournful monuments. The practice of law in Marysville

had declined to barrenness, and business of all kinds in that once proud, thrifty, and beautiful city, was utterly stagnant. The afflicted populace were fleeing from the wide-spread desolation, and seeking new homes and fresh fields of enterprise. A silver star was rising in the east, whose happy light refreshed the dejected multitudes. WASHOE was the word of hope and promise. The fabulous wealth of the newly-discovered mines, and the conflicting interests of the claimants, had called into being a vast world of litigation, such as no diligent votary of law had ever dreamed of beholding. The enormous fees received by the pioneer lawyers of Washoe had excited the wonder and cupidity of attorneys throughout California, and towards the beginning of the year 1864, the bar of Virginia city numbered about one hundred practitioners. Mr. DeLong arrived in that place before the lawyers' silver harvest had been fully gathered, and soon formed a partnership with Mr. D. W. Perley, now a leading member of the profession at White Pine. He found upon his arrival that he had been preceded by many of his friends and former constituents, citizens of Yuba county. Being an old miner, he was at home amid the restless mass around him. His experience as a miner and as a lawyer, his close application to business, his fidelity to his clients, soon gave him a prominent place and a lucrative practice at the Virginia bar.

In 1864, Mr. DeLong was elected a member (from Storey county) of the Constitutional Convention which framed the present Constitution of Nevada. At the election of United States senators in that year, he was a prominent candidate for that high position. The first ballot stood: Stewart, 32; DeLong, 24; Nye, 23. On the next day, Messrs. Stewart and Nye were chosen. Mr. DeLong bore his defeat with patience, and continued his practice in Virginia city.

In 1865, the law-firm of Perley & DeLong was dissolved, the latter entering into partnership with Judge Lewis Aldrich, formerly of San Francisco.

In January, 1868, Mr. DeLong was again brought forward as a candidate for the United States Senate.

Messrs. Nye, Winters, and Fitch, were also candidates. Twenty-nine votes were necessary to elect, and Mr. DeLong received twenty-seven: then, by the withdrawal of Messrs. Winters and Fitch in favor of Gov. Nye, the latter was elected.

In the convention which nominated Gen. Grant for the Presidency, Mr. DeLong was chairman of the Nevada delegation, and was placed on the Committee on Platform and Resolutions. He was one of the sub-committee of six that drafted the platform of the Union Republican party of 1868. He is a member of the National Republican Committee, and one of the executive committee from the Pacific coast. He has also for several years been chairman of the Republican State Central Committee of Nevada, holding that position until shortly before his departure for Japan as Minister Resident of the United States. He took an active part in the election of Gen. Grant, having been chosen one of the presidential electors of the State of Nevada, and afterwards, by his associates, selected as messenger to carry the vote of the State to Washington.

In the fall of 1868, Mr. DeLong removed to the new mining region of White Pine, establishing himself at Treasure City, in partnership with Judge Lewis Aldrich, Hon. J. S. Slauson, and Mr. Thomas Wren.

Gen. Grant, shortly after his inauguration as President, in 1869, tendered to our subject the appointment of Minister Resident of the United States at Japan. The appointment being confirmed by the United States Senate, was accepted by Mr. DeLong, who, after devoting several months to the proper arrangement of his business affairs, departed upon his mission in September, 1869, accompanied by his family.

In 1862, Mr. DeLong married Miss Elida F. Vineyard, youngest daughter of Col. James F. Vineyard, then a senator from Los Angeles, by whom he has several living children.

Mr. DeLong is an indefatigable student, and a close reader not only of legal but poetic and miscellaneous writers. He is a man of genial temper, frank in his

manners, fond of humor, and gifted with the rare faculty of attaching to himself sincere friends wherever he goes. His tastes and active temperament especially fit him for the practice of his profession in a mining community. His fame as a lawyer is firmly established in Nevada. He is a graceful speaker, is decidedly entertaining in conversation, and delights to tell or listen to an anecdote.

In Mr. DeLong's case, success has been the test of merit. He has won fortune and position by solitary, unaided study and effort. He came to California a boy, without friends, means, or experience. By patient industry, and the pursuit of an honest, straightforward course, he has battled with the disadvantages and checks of youth, poverty, and inexperience, and conquered them. Few men have overcome greater obstacles—none are more worthy of achieved success.

MARIANO GUADALUPE VALLEJO.

By Chas. E. Pickett.

Before proceeding to sketch a condensed biography of the most distinguished of living Hispano-Californians, a short allusion to his ancestry will be of interest, as well as appropriate to the subject. The Vallejo family—all claiming relationship—occupied for many generations a most honorable position in Spain; and the branches of it which immigrated to America were alike distinguished, chiefly, however, as church dignitaries of the Jesuit Order. A genealogical statement or table of these latter was filed in 1806 in the Spanish archives of California. One of the name—Don Alonzo Vallejo—commanded the troops on board the vessel in which the royal commissioner, Bobadillo, came over to take back Columbus a prisoner to Spain. Another was with Cortez in making the conquest of Mexico, and afterwards became Governor of the province of Panuco. The grand-parents of the subject of our history came from the province of Burgos, near the city of Bilbao, in the northern part of Spain, sometime during the early portion of the last century, and settled permanently in Gaudalajara, Mexico, where Don Ignacio Vallejo, his father, was born. Like the most of the members of the family (including a number of the females) Don Ignacio was educated for holy orders; but taking a dislike to that sober life, and his youthful ima-

gination being fired with the spirit of adventure, then so animating the Castilian stock, he managed to quarrel with the officiating clergyman upon the day of his ordination—threw off, in simulated anger, his sacerdotal vestments, and fled for refuge to the royal standard. The company he joined was upon the eve of departing northward upon that famous propagandizing and exploring expedition which accompanied the historically renowned Father Junipero Serro—founder of the California Missions, and discoverer of the Bay of San Francisco. Landing with him at San Diego in 1769, Don Ignacio traveled, in company with that daring and zealous missionary and other members of the party, over a large portion of the country, soon thereafter going as far north as the valley of Petaluma. As military commissioner and engineer, he was employed for a number of years in planning and superintending the building of fortifications, laying out the various towns of the territory, and in directing the construction of irrigating canals and the waterworks of the Missions.

General M. G. Vallejo was born in Monterey, upper California, July, 1808, being the eighth of thirteen children. He was educated at the college there, and entered the military service at the age of sixteen, as a cadet and private secretary to Governor Arguello. Being rapidly promoted, he reached the rank of Brigadier-General in 1840. In 1829, as Lieutenant commanding, he was placed in charge of the Northern Department, which included all the country to the north of Santa Cruz, having his headquarters at the Presidio of San Francisco; in which capacity he remained until 1837, exercising, until 1835, both civil and military functions for the section north of San José, when, at his own suggestion, Governor Figueroa ordered an election of civil officers for the Partido or District of San Francisco, whose seat of government or *cabeza* should be at the Mission of Dolores; which was duly carried into execution, and dates the foundation of the first organization of the character at such important point.

In the fall of 1829, soon after assuming command of

his department, a man by the name of Solis inaugurated a revolutionary movement against Gov. Echandea, chiefly because the latter preferred to reside at San Diego, instead of at the capital, Monterey. Vallejo was importuned to join the revolutionists, and upon refusing, was confined in the calaboose at Monterey, from which he shortly managed to escape by sea: joined the Governor's forces at San Diego, and met the insurgents near Santa Barbara, where Solis was defeated.

In 1831, he was elected a member of the Territorial Deputation. At this period, Victoria was Governor, and had rendered himself obnoxious to the Californians by his arbitrary and cruel conduct. Vallejo having been selected by his fellow-deputies to prepare and present articles of impeachment against his Excellency, the latter, during a recess of the session, strove, by tendering him a superior commission and making other friendly overtures, to quash the indictment; but finding the young Lieutenant too true to his California countrymen, to accede to his propositions, he determined to arrest him and the others engaged in the proceedings. This precipitated a revolution in which Victoria was defeated in a battle fought at the Cauenga Pass, near Los Angeles; after which, the Governor was sent out of the country in an American vessel then lying in the port of San Diego.

In 1832, he was married to Francisca Benicia Carrillos, by whom he has had seventeen children—ten now living, five of them married—General John B. Frisbie, proprietor of the *City of Vallejo*, etc., being his eldest son-in-law. In 1834, he was, with Bandini, elected a delegate to the Mexican Congress, but did not attend.

In 1836, Governor Chico got by the ears with the leading Californians; was deposed by them, and sent from the country in an American vessel. Just before leaving, he appointed Gutierez his provisional successor, which arrangement was acceded to by the revolutionists. But Gutierez, proceeding to carry into execution the objectionable measures of Chico, the whole country arose in opposition, proclaimed Vallejo General-in-Chief and revolutionary Governor *ad interim*, who immediately con-

vened the Territorial Deputation and turned over the reins of civil government to Alvarado, President of that body; retaining, however, the military and, *de facto*, all power in his own hands. In 1838, the supreme government of Mexico confirmed these revolutionary acts of the jealous, belligerant, and semi-independant Californians; and sent out as Governor, Micheltoreno, clothed with extraordinary prerogatives—being invested with the full powers of the central government. In the exercise of these, he appointed Vallejo military commander of all the territory lying north of the Santa Inez mountain, who now had fixed his headquarters at Sonoma, where he has ever since resided.

In 1844–5, occurred the last revolution of the Californians among themselves, which ended in expelling Governor Micheltoreno from the country. Vallejo was the leading person in secretly planning the programme and having the pronunciamentos issued to this effect. Foreseeing the result, he wrote to Capt. John A. Sutter, who was organizing the foreign residents in the northern section and a body of Sacramento Indians, to go to the assistance of the Governor, strongly advising him not to take any part in the affair. At the same time, he addressed a communication to Micheltoreno, adjuring him to send back immediately the obnoxious troops and officers he had brought from Mexico with him, and whose characters and conduct solely had arrayed the Californians against him. But his advice was unheeded by both; and upon the surrender of Micheltoreno, Sutter came near losing his life, which was only saved by the joint interposition of the foreigners enlisted upon either side. Vallejo, during the preparation for the conflict, was placed in a very delicate and dangerous position. Being ordered by the Governor to join him with the forces under his command, he refused; alleging as a reason, that he did not wish to make war upon his friends and relations—Alvarado and Castro, the two chief leaders of the revolutionists, being his nephews. The troops stationed at Sonoma and San Francisco were, through the agency of Lieut. Pico, Don Jasper O'Farrell,

Capt. Sutter, and others, induced to desert and join the contingent forces of Sutter, then upon the march to coöperate with those of Micheltoreno. Not wishing to take issue with his American and other foreign-born neighbors, Vallejo remained quietly at home, awaiting the termination of the contest. And here, appropriately, may be related the real or paramount inducement for such conduct upon his part.

After the raising of the American flag at Monterey in 1842, by Commodore Jones, Vallejo became impressed with the conviction that the time was near at hand for what he deemed to be the inevitable destiny of California—annexation to the United States; and thenceforward was shaping his actions so as to conform to that which he was willing should come to pass as soon as possible. In evidence of this, during the month of March, 1846, at the call of Pio Pico—who, as President of the Assembly, had assumed the Governorship upon the expulsion of Micheltoreno—a convention of the leading citizens assembled at Santa Barbara, to take into consideration the future of California. The impression prevailed generally that its loose connection with Mexico was about to be severed; and the important question arose, "What will then become of us?" There were three parties in this body: one (and the strongest) favoring an English Protectorate. The next strongest advocated the erection of an independent Republic, to be maintained under all contingencies; whilst the third—at the head of which was Vallejo—favored the latter project only so far as a temporary arrangement for the purpose of negotiating their transfer into the American Union. Through his machinations, the meeting at Santa Barbara, where the English party prevailed, was unable to obtain a quorum, and so adjourned to Monterey. Here the friends of the various projects met and earnestly discussed this weighty question—the French Consul also approaching various members to propose a French Protectorate, provided they would call upon his government so to act. The leading part in the discussion was taken by Vallejo. He warmly, logically, and ably laid before

the body his views upon the subject. He said they all agreed that Mexico must part with California; and it was impossible for them to maintain an independent status, since both the United States and Great Britain had fully manifested the intent to seize upon the country at a very early period. The only question, therefore, for them to decide and act upon was, into the arms of which of these two powerful nations they should conclude to throw themselves. For his part, laying aside his individual predilection—which had been often expressed—he advised them to make a virtue of necessity, by at once taking steps towards opening negotiations with a view to transferring themselves to the former. He stated that Commodore Jones had assured him in 1842 that it was a foregone conclusion of his country to have California soon at all hazards; and that his action in then so hastily raising the stars and stripes upon their soil, under the impression that war was waging between the two countries, was in accordance with secret orders to checkmate any such movement that might be made upon the part of the British naval commander. Thomas O. Larkin, the American Consul, residing then at Monterey, backed up these views of Vallejo, by assuring the members of the convention that so firmly resolved was his government to possess California, that in the event Great Britain should forestall them by first seizing it, or by their voluntarily transferring themselves in such direction, the United States would eventually obtain the territory, even though at the cost of a war with that mighty power. The convention came to no definite conclusion, resolving to adjourn for a season and observe the turn of affairs. But the complicated and important events so suddenly precipitated upon the land a few weeks subsequently, prevented any further consultation. The long existing jealousy between the northern and the southern sections of the territory had just then bred anew enough bad blood to induce General Castro to organize an armed force in the former, and Governor Pico in the latter, to settle the feud by an appeal to arms. The two armies were marching to the scene of conflict, and about meet-

ing near San Luis Obispo, when the startling news arrived that the foreigners had raised an independent banner (the "Bear Flag") north of the bay of San Francisco; taken Vallejo and other chief citizens prisoners; fought a battle, defeating the natives, and threatened to carry fire and sword throughout the length and breadth of California, in retaliation for alleged threats made by Castro to drive them all from the country. This at once brought about a reconciliation between the opposing parties, and a resolve to join their forces in order to proceed against the common enemy. But very soon came the still more startling announcement that war existed between the United States and Mexico; that the fleet of the former had arrived in the bay of Monterey and raised the American flag over the town; that Col. Fremont had got back from the mountains in Oregon, whither Castro had but recently compelled him to flee; that the "Bear Party" had hauled down their flag, joined their recruits with Fremont, and that the command (rapidly augmenting) was on the march to coöperate with the navy in effecting a conquest of the country. Castro—now at the head of the Californians, though in sympathy with the British party—was aware of the hopelessness of further opposition, and admitted that the position taken by Vallejo was correct. Encamping in the vicinity of Monterey, he sent word to the Commodore that he was prepared to enter into negotiations for laying down his arms and surrendering the country. But being somewhat cavalierly and most impolitely repulsed, and the near approach of Fremont preventing a renewal of any overtures, by driving him farther southward, then followed the two wars of the conquest—so wholly and entirely uncalled for, so expensive, and resulting in the loss of a number of lives upon both sides, and the engendering of much bitter feeling, all of which could easily have been avoided, but for the extreme ignorance of the American commanders as to the proper deference and conciliation to be extended to Castilian pride and punctilio. Vallejo remained a prisoner for a number of weeks at Sutter's

Fort in the Sacramento valley, when he was set at liberty upon parole by the new naval commander.

Under the new *régime*, and especially after the beginning of the great influx of gold-seekers to the Pacific shore, in 1849, Vallejo assumed a very prominent position. He was appointed by Commodore Stockton, in January, 1847, a member of a civil body titled the Assembly, designed to frame a code of laws for the temporary governance of the territory. But the grand imbroglio between Commodores Stockton and Shubrick, General Kearney, and Colonels Mason and Fremont, happening about this period, prevented the meeting of such body. As an illustration of the complicated state of affairs brought about by their jealousies and conflict of authority, that even the famous Fremont court martial, which afterwards sat in Washington, was unable to unravel, Vallejo received three communications dated upon the same day, from Stockton, Kearney, and Fremont, respectively, each signing himself "Governor and Commander-in-Chief of California."

Vallejo, however, acted for a time as Indian Agent north of the Bay, by appointment of General Kearney.

Early in the year 1849 were inaugurated those "District Legislatures" for affording some sort of temporary civil governments for the country. Ex-Governor Boggs from Missouri and General Vallejo took the leading part in organizing this movement for the Sonoma section, when, on motion of the Governor, and to save the labor and expense of framing a new code, the Missouri statutes were adopted entire, so far as applicable—Boggs, we believe, then possessing the only copy of them in California. But Governor-General Riley's proclamation soon upset these independent movements, and called a general convention for the territory. Vallejo was elected a member of the body, which, upon assembling, resolved to form a State Constitution. The following year, he was elected a State Senator, and whilst a member, his magnificently liberal propositions with reference to locating the permanent seat of government upon his Suscol

Rancho, at the site of the present city of Vallejo, were accepted by the Legislature and confirmed by a vote of the people. In compliance with the terms of the agreement, he erected a State House or Capitol and various other public buildings, as well as expending large sums otherwise in connection therewith; expecting, besides the great honor of the business (his chief incentive) to reimburse himself from the sale of lots in the new city, and the rise in value of the adjacent lands. The Legislature twice met there, but the hotel accommodations not being esteemed sufficient, and certain very strong influences being brought to bear to induce adjournment to Sacramento, the place was finally abandoned as a capital, and Vallejo induced to cancel, upon his part, the contract made with the State, at a loss, as he alleges, of several hundreds of thousands of dollars. And to this heavy damage and the unexpected rejection by the Supreme Court of the United States of his title to that most valuable rancho, may be chiefly ascribed the downfall of his fortunes.

In January, 1847, Vallejo and Dr. Robert Semple (subsequently taking in T. O. Larkin as a co-proprietor) laid out upon the same rancho the town site of Benicia, which was first christened Francisca, after the first name of Señora Vallejo; but the title of Yerba Buena being soon thereafter officially changed to that of San Francisco, the similarity of the two induced the proprietors—after an angry protest by Semple, through the columns of his paper, the *Californian*, against such action upon the part of the Alcalde at Yerba Buena—to adopt Benicia (Venitia) instead; being the second or middle name of Mrs. Vallejo.

The General possesses a handsome residence—"Lachrymœ Montis"—situated in the edge of the town of Sonoma, built after the plan of Bonaparte's villa at Bordentown, N. J., but is unable to preserve it in proper repair for the lack of sufficient income. Sonoma being selected as the headquarters of the United States army in the fall of 1849, his commodious mansion upon the Plaza, fashioned in the old Hispano-Mexican style, was

long the almost homelike resort of all its officers, and where many, besides, met with that open-hearted and frank entertainment characteristic of its hospitable proprietor. Being, during that period, a gentleman of ample fortune—possessing near thirty leagues of choice land lying immediately around the northern border of the bay of San Francisco, and many thousands of horses and horned cattle—he dispensed his hospitality, as well as rendered much assistance to the newcomers, with a prodigal and generous hand. In 1865, he made his first visit to the East, and was received with great consideration in Washington by his old army and navy acquaintances, whom he met there, as also by the leading officials of the government.

As Mayor and also a Councilman of his home-town, he sought to have its public grounds properly ornamented and improved, proffering to bear the larger portion of the expense; but such not being responded to by the new citizens, his plan was only partially carried out. He expended, however, large sums in setting out vineyards and fruit-trees in the immediate vicinity, being the first to start vine-culture and wine-making on the north side of the bay. For several years, his wines and brandies took the first premium at the State Fairs, and at the Mechanics' Fairs in San Francisco.

Notwithstanding his vicissitudes of life—loss of fortune, inability to keep pace with the progressive ideas and practices of Young America, and the many harassing cares besides—the General (now over sixty) preserves in a remarkable manner his youthful appearance and activity. This may be attributed, in part, to a well-developed physique, and active, outdoor exercise all his days, and to the strictly temperate habits he has constantly adhered to, rarely partaking of wine or spirits, and being a moderate and fastidious eater. In character he is not alone a pure-blooded Spaniard of the Hidalgo class, but true to many of the leading traits and likenesses of that grandly historic race; being generous, hospitable, high-spirited, of courtly address and distinguished presence, and possessed with a happy ad-

mixture of dignified pride and condescending affability. Like them, in general, his mind dwells much in the regions of romance; is somewhat addicted to idealistic fancies—air-castle building, or the concoction of magnificent schemes and projects, difficult of being, or never to be, realized. He is likewise addicted, at times, to that hyperbolical style of phraseology so common to the Spanish character, and which causes many, unacquainted with such peculiar modes of expression, to impute intentional want of veracity. And to these amiable qualities, and the more materialistic natures of that throng of "practically-minded," greedy, grabbing gold-seekers flocking to the Pacific shore, who have so greatly wronged the larger portion of the unsophisticated stock found here, by despoiling them of their heritage, may be attributed the passing away from his possession of that vast estate once held by him. Proud of the past glories and still prominent position of the Spanish race, the General—who is a fine scholar, especially as an historian—loves to dwell upon their close relationship with ancient Rome, and the undeniable fact that Spain, more than any nation of Europe, transmitted the wisdom and the virtues of that august civilization down to and connects herself with the modern. Excluded from taking any official or other influential part in American affairs, (with which government he has become much disenchanted of late years,) he takes a deep interest in observing the revolutionary progress of events in Spain; and is somewhat more than a mere beholder of those transpiring in Mexico, being the trusted counselor and assistant of certain military aspirants and Pronunciadores of this latter perpetually revolutionized and revolutionizing land.

ELIAS S. COOPER.

By L. Cooper Lane, M. D.

The life of each illustrious man is a drama, of which the various acts are subjects of the most lively interest, when properly detailed by the faithful historian. The task of the latter, however, is no easy one, in case he attempts to trace those links which, as fractional parts, unite and truly represent the original.

Every great man's life, if studied comprehensively, reveals a purpose; and the historic painter would fall far short of what art claims from him, if, in the imagery of his picture, he omitted the delineation of glimpses of such a purpose, which, like a sunbeam in the background of a painting, illumines and brings into view eaeh point and feature of the picture. Preëminently, in the life of him whose name appears at the head of this sketch, do we observe such an inspiring aim and continued purpose, that, like glory following virtue as its shadow, "lived with and accompanied him as an ever present genius." Besides the intellectual endowments with which he was gifted, he possessed those of the heart no less unusual. To depict these, with that simplicity of coloring which comports with nature, is no ordinary undertaking.

Elias Samuel Cooper was born in the southern part of Ohio, in the Miami Valley, one of the most beautiful sections of that State. His father, Jacob Cooper, emigrated at an early period to the West, from South Carolina.

Every mind, in its growth, finds the elements for its development and ultimate shape, in intrinsic and extrin-

sic circumstances. A paternal and maternal influence, each strongly defined in character, by precept and example imparted to young Cooper the inceptive germs of mentality, and added to the same that momentum and accuracy of aim which went directly to the destined point.

Of the extrinsic circumstances, which, in many cases, far more than is known, gave shape and feature to the youthful mind, may be mentioned the beautiful landscape of hill and valley in which his early home was retired; these were yet half-covered with those majestic groves—beach, walnut, maple and oak—for which the Ohio valley is famous. During his rambles amidst the quiet seclusion of such scenery, armed with his rifle in quest of game, he formed an attachment for all that pertains to Nature. Amid such scenery and such life, no doubt, were developed those primitive moldings of self-reliance, those habits of independent thought, and power of living within himself, which finally assumed a permanent shape and became the distinguishing traits of his mind in his mature years. Few men have exhibited so large a share as he of that internal self-sustaining power, which enabled him to live independently of those props and supports which are indispensable to most men.

From the example of an older brother who had entered the medical profession, in which he has won and now holds an enviable position, the younger brother was led naturally to embrace the same calling. The selection of this profession was his own choice, and having once chosen it, he gave himself to its study with all the passionate ardor of youthful enthusiasm. The leading text-books—especially those upon Anatomy—he almost committed to memory; for this branch of medical science he early exhibited a strong predilection, and its almost endless details, which are tiresome and difficult of acquirement by most students, were mastered by him with that pleasure and eagerness which love for a science always lends to its study. A fondness for Human Anatomy can scarcely exist alone—it naturally leads to Comparative Anatomy, its kindred science; hence, we find our young

student soon pushing his investigations in the latter quarter, and learning there those laws which, in the humbler grades of animated nature, do not differ from those existing in "the paragon of animals." With no other guide than his own original and all but intuitive genius, he instituted a series of most interesting and instructive experiments in the ligation of veins and arteries; in reference to the mechanism and function of the various valves; and the observations then made by him, he found subsequently of great value in operative surgery.

The writer has been for several years a medical teacher, and is familiar with the career of many medical students; yet never did he see such ardent devotion to study, and untiring zeal to master the facts of medical science, as were evinced by his subject. Whenever his mind caught a glimpse of the magnificent array of fact and theory; of what had been already accomplished, or what remained to be done; of the list of immortal names which are enshrined in the archives of medical science; it awakened and kept aglow in his bosom an impulse of devotion which only expired with the last vibration of his heart.

His medical collegiate course was commenced at Cincinnati, Ohio, and was completed at St. Louis, Missouri.

His selection of medicine, as a profession, was not at first sanctioned by parental consent; yet the opposition he met with in that quarter never diverted him for a moment from the fond purpose of his heart. His successful career was not long in convincing his father, to whom he was strongly attached, that the young man had made no error in his choice of a profession.

Dr. Cooper commenced the practice of medicine in a small town in Carroll County, Indiana; thence he moved to Danville, Illinois, where, though he had but recently attained his majority, his youth did not prevent him from acquiring a large and lucrative practice. During his stay at Danville, he won his first surgical triumph, in the successful removal of a large portion of the lower jaw of a patient. The self-possession and nerve of which he discovered himself the master on this occasion, made him at once determine to adopt surgery as his specialty and

sphere of action. The field, however, which he occupied was far too small to gratify his ambition; and hence he soon decided to move to Peoria, in the same State, a place which gave promise of speedily growing into a large city.

Upon his arrival at Peoria, he commenced a course of private dissections, being convinced that the daily use of the scalpel upon the dead body is the only way of honestly and properly qualifying one's self for the practice of surgery; and that, as the mariner can be a successful pilot only when, with his own hand, he has dropped the sounding line, and with his own eye noted each depth, and the exact location of each reef and rock, so the surgeon, in order to avert danger, and shun shipwreck on the strand of "death by misapprehension," must be likewise familiar with the topography of each muscle, nerve, and blood-vessel in the human microcosm. Our subject was fully alive to these facts; and in order to be amply armed and equipped for each and every emergency which might arise, he devoted himself to practical anatomy with the same zeal and untiring enthusiasm which had characterized his earlier studies. He already enjoyed a competency, the fruits of his previous practice, and was enabled to give most of his time for nearly four years to the prosecution of his favorite tasks in dissecting. His motto was that of the old painter, Apelles: *Nulla dies sine linea.* He allowed no day to pass by, without using his scalpel. His life was then one gala-day of the happiest enthusiasm and devotion to the mastery of the details of the greatest science, without doubt, which has ever interested the human mind, viz: Anatomy, or a knowledge of the constituents, form and relations of the parts composing the human body. Well might Galen, in his pardonable fervor, call it "the noblest hymn which man can chant to the Divinity."

Some five years after Dr. Cooper's arrival in Peoria, he established a surgical infirmary, where he received and treated all classes of surgical diseases, including those of the eye and ear. The success which attended his practice quickly spread his reputation far beyond his home,

so that within two years after the foundation of this institution, patients flocked to him from all portions of Illinois, as well as from the adjacent portions of the neighboring States of Kentucky, Indiana and Iowa. It was in the treatment for the removal of deformities of the lower limbs and of the defects of the eye, that he became especially famous.

It was not long, however, before he found that the field which he had chosen was too limited in area; and that, to fully gratify his desire for professional honors and renown, he must select a new location. He debated in his mind whether it were best for him to settle in New York, or to seek one of the cities of the West, which threatened, in a few years, to rival the Metropolis. In the meantime, to more properly qualify himself, and especially, to compare his ideas with those of the masters of the old world, he made a trip to Europe.

Upon his return to America, he decided to select the Pacific Coast as his future home and sphere of action, and soon afterwards he bade farewell to his Eastern friends and the scenes of his many professional triumphs, and departed for San Francisco, where, early in the year 1855, he began the practice of surgery.

The profession of medicine was well represented in San Francisco at that time. To illustrate the difficulties under which a new member of the profession labored at the time of Dr. Cooper's arrival, in order that the non-professional reader may have a correct understanding of the same, would be, perhaps, impossible. Suffice it to say, that those who first came founded on the mere fact of prior arrival and earlier residence a claim to precedence almost equal to superior caste and prerogative; whence sprung a feeling which viewed with cold distrust, if not positive enmity, any attempt to enter the self-privileged ranks. In such a professional circle, a position like that which was due to Dr. Cooper could be attained by no one who was unwilling or unable to meet, battle with, and overcome a well-organized opposition. In our subject were united those traits which most admirably adapted him to wage such a contest, and carry it to a triumphant

issue. Few conquerors have known so well as he how to turn to good account the fruits of their victories. Conciliation, like an attending spirit, was ever present in his heart, and, as it were, held the pen ready to blot out the record and even the memory of each injury which was done him. A most intimate acquaintance with him, and with many incidents in his life, convinced the writer that this trait of character was natural with him, and was not the offspring of policy, which sometimes dictates such a course. It is also true, though it may seem paradoxical, that this conciliatory spirit was coupled with a ready courage for defense, and even for assuming the offensive, when all other means failed; in fact, nature had endowed him most richly with all the resources of both peace and war; yet it was a rule of his life never to resort to the weapons of the latter until every overture of the former had been rejected.

As said, he brought with him to this Coast a fine professional reputation; for in his western home public opinion had long before crowned him with an imperishable wreath of honors, in which were entwined unfading laurels of brilliant surgical achievements. In this, his newly adopted home, he quickly won new honors, equal to, if not eclipsing, those already attained; for with a heart which never knew the impulse of fear, and a genius which was only quickened to bolder and more successful effort the greater the difficulties which it had to encounter, it was not long ere his scalpel, guided by the unerring light of superior anatomical knowledge, made for him a pathway wide and straight to the front and head of the profession. It is probable that no medical man in so brief a period ever attained so wide a reputation;—within five years after his arrival, his services were sought for by patients from every valley and mountain town of this Coast.

Among his achievements may be cited several cases of ovariotomy, an operation which had to this time never been performed here; also ligatures of all the larger arteries, including that of the *Arteria Innominata*, in which his essay proved more nearly a success than any previously recorded case; also the Cæsarian Section; and a great

number of operations for the union of disunited fractures by silver ligatures, together with almost countless cases of exsection of diseased bones. To the unprofessional reader it may be remarked, that the older surgeons have as a rule discountenanced all interference with the larger joints; he, however, from a series of operations upon the lower animals, became convinced, that the ideas which obtained in this domain of surgery were erroneous, and at once, with that boldness which is the heirdom only of great minds, he leaped the barriers which old authority had reared around these anatomical regions, and learned with the highest satisfaction that art might safely tread this hitherto consecrated ground; and thus disease be robbed of some of the trophies which previously, without resistance, had been abandoned to it. In this domain of surgical science, his genius had far outstripped the medical world in general; and had years been granted to him to consummate the work which he had planned, he would no doubt have been able to prove the truthfulness of the ideas which he held upon this subject.

Besides the arduous labor which he accomplished in his private practice, he found time to do much more. For example: he was one of the prime founders of the California State Medical Society, and it was in a great measure due to his individual efforts that this society was sustained during its existence. Besides this, he issued a medical journal,—the San Francisco Medical Press,—the columns of which paper were mainly filled with communications from his pen. An examination of this periodical shows the editor to have been a bold and original thinker, and endued with a candor which it would be well if more of the medical profession possessed:—for he was quite as ready to publish the failures as the triumphs of his knife. Besides this publication, he was a contributor to several medical journals published in other sections of the Union. He also retained notes of all his more interesting surgical cases, from which he contemplated drawing material at some future day for a complete work upon surgery.

Soon after settling in San Francisco, he conceived the

design of founding a school for the education of young men there, who might desire to fit themselves for the medical profession. Aided by several medical gentlemen, he was the foremost in the establishment of such an institution, viz: the Medical Department of the University of the Pacific, which was organized and commenced operation early in 1859. In this school, he filled the chairs of Anatomy and Surgery. At this institution were graduated a number of young men, who have taken high position in the medical fraternity of this Coast.

As a lecturer he was not endowed with great eloquence, yet his style was eminently impressive and calculated to fasten his ideas in the mind of the student. His delivery was slow, deliberate, earnest; his sentences were not marred or clouded with superfluous verbiage, but a severe conciseness was the distinguishing characteristic of his lectures; each sentence was keen and pointed, and of axiom-like brevity.

It was, however, in his character as an operative surgeon, that he possessed talent superior to most other men. The writer, who was present and assisted him in many of his capital operations, can recall no occasion where difficulty, danger or unforeseen complication threw him out of the sphere of his accustomed self-possession; but with a bold heart, an anatomical knowledge that was never in error, a fertility of invention that could turn to good account each unfavorable contingency, an eye that in a moment could compass the whole field, and a hand that was never seen to tremble, he inspired all who saw him on such occasions with the feeling that they were in the presence of a great master. No one ever witnessed his operations, and marked the imperturbable self-reliance with which he wielded the knife, but with a feeling of assurance that he would accomplish the purpose at which he aimed. Besides, a strongly marked and original personality quickly brought his patients into sympathy with him; by virtue of this, as well as the faculty of inspiring his patients with an unwavering belief in their final recovery, he effected cures which few others could have done.

The incessant mental and physical toil to which he subjected himself, began, soon after his arrival in this city, to make serious inroads upon his constitution. Yet the enthusiasm with which he worked, and the deep pleasure which he derived from his labors, caused him to pass unheeded the monitions, which frequent attacks of illness gave, that he was rapidly ruining his health. In fact, as he told the writer during his last sickness, he had not passed a day entirely free from pain during the three preceding years. Pain, as the physician knows, if long continued, slowly saps the vital energies; and if to this be added the wasting influence of the most severe, self-imposed tasks, we cannot wonder that our subject sank and died in the prime of manhood.

On the 29th of May, 1862, Dr. Cooper was seized with the illness which, with occasional interruptions, marched slowly to the fatal issue, which occurred on the 13th of October, ere he had completed his fortieth year. His disease was an extremely obscure and complicated nervous affection. A few days after its commencement he was attacked with amaurosis, or loss of power of the optic nerve, whereby, in the course of one night he became totally blind. Under these trying circumstances, his fortitude never forsook him, and when it became apparent that his disease must end fatally, with that cool self-possession which had attended and guided him through so many difficulties of his eventful professional career—in fact, showing a genius quite as great for the emergencies of death, as he had exhibibited for those of life,—after the arrangement of his affairs, he turned from the world with apparently as much ease as if he never had here an aspiration or a hope.

Near the end of life, he was animated with a strong hope of immortality, and on receiving a visit from a friend to whom he was much attached, he said, though so feeble as to be able to pronounce but a word at a time: "In ten, twenty, thirty or at most, forty years, you will come too, when we will lay our breasts together in an eternal friendship."

As his disease had presented so many curious and un-

usual complications, it was his request, a long time previous to his death, that in the event of his not recovering, a *post mortem* examination should be held upon his body. This request he repeated to the writer but a short period before his death; he wished it done for two reasons: "first, that you and my medical friends may discover the cause of my death, which none of us now know; and secondly, that I may not wake up in my grave."

The examination was made in the manner which he had himself dictated, and the cause of death found to be a wasting of the upper portion of the spinal marrow, and a paucity or defect of blood; and was evidently attributable to overwork, to which for years he had subjected himself.

His death awakened everywhere the profoundest feelings of sorrow, and his premature departure from this life was a public loss which is still felt; for though the profession is well represented in San Francisco, yet no one has since proved himself by both natural and acquired talents, so truly deserving of the name of the GREAT PHYSICIAN, "by Nature's own right hand anointed."

Of the numerous obituary notices which at the time of his death appeared in the daily press, the following poem from the pen of T. G. Spear, Esq., of San Francisco, is a beautiful and appropriate tribute to his memory and genius.

"When grief is sobbing o'er life's withered flower
To which the perfume can no more return,
Words ne'er avail in that o'erwhelming hour,
Nor stay the soul from its eternal bourn;
Yet nature speaks a language from the dust,
Revealing friendly oracles sublime,
That tell us peace awaits a dying trust
In the supernal life transcending time.

Where art thou, son of science! born with zeal
To cope with ills in life's corporeal sphere?
Where is thy soul benignant, prone to heal
Or soothe the pangs of prostrate mortals here?
No answer greets us from the stars or waves,
Nor echo back the mountains in reply,
Nor the green garden-valleys, nor their graves—
But, lo! it comes from voiced humanity!

The form you seek is with its withered clay—
Inanimate the good physician lies;
He who recovered lives has passed away—
A shining light in men's admiring eyes.
His name is on the starry scroll of time,
Enrolled benignly with exsective lore:
Ah! lost too soon to learning, race and clime,
His skillful hand shall touch to heal no more!

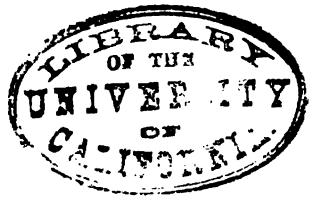
He found a mission that the angels seek—
To walk 'midst suffering with the power to cheer—
Recalling health to many a sallow cheek,
And winning back to courage failing fear.
His was the skill of genius, rare and just,
The enthusiast's fervor with the sage's sense—
And science whispers from his pregnant dust,
How much she owes his life's art-love intense.

No snow-crowned peak of knowledge, cold and stern,
With narrowed defiles and an icy heart,
Was he—repelling those who loved to learn
From the broad realms of educated art;
But a fair mountain in a genial sky,
With wooded sides and grassy slopes between,
And mossy springs at which the passers-by
Drank, wiser for the grateful Hippocrene.

Brief and brave life! the warm, high, ample soul,
Poised for new efforts, seeing far and clear,
Has dropped the scalpel, leaving care and dole
For sweet transition to a higher sphere.
Look for his eulogy in work well done,
In truth subserved by a researchful mind,
That fame may spread the triumphs Cooper won
While science is progressive with mankind."

He was interred in Lone Mountain Cemetery, where his ashes repose beneath a tomb of granite which has the form of an ellipse, surmounted by an obelisk,—the whole being aptly adapted by its durability, severe simplicity of form, and brevity of inscription, to perpetually materialize the leading features of his mind and character; and at the same time, to express by a single word the fond hope of his life,—for on it the passer-by whose eye turns from one of the most sublime landscapes to the resting-place of the illustrious dead, reads only this epitaph:

SACRED TO THE MEMORY OF ELIAS S. COOPER, SURGEON.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OF

JOSEPH W. WINANS.

By the Editor.

Joseph W. Winans, a pioneer of 1849, and a leading and successful member of the San Francisco bar, was born in the city of New York, July 18th, 1820, the second of nine children. His ancestors were English and German, but it is necessary to go very far into the past in order to trace them to a European origin. They came to America many years before the Revolutionary war, in which Joseph's grandfather was a soldier in the American army. His son (father of Joseph W.) was a prominent merchant of New York city for forty years. He long since retired from business, having amassed a large fortune. The old gentleman and his wife are still living in that city. Time has dealt leniently with the aged couple, who celebrated their golden wedding some years ago.

Joseph W. Winans spent his youth in a course of continuous study. Having entered Columbia College at the age of sixteen, he graduated from that worthy institution of learning at the age of twenty. In the same class with him were Hon. A. C. Monson, formerly Judge of the Sixth Judicial District of California, and Hon. Ogden Hoffman, the distinguished Judge of the U. S. District Court for this State. Not resting from his labors, nor pausing in the pursuit of knowledge, young Winans entered immediately on the study of law, to which he

applied himself for three years. At the end of that time he received his license to practice, and also the degree of A.M., from Columbia College, in the year 1843.

Armed with this license and this endorsement, Mr. Winans at once devoted himself to his chosen calling. At that time, the ranks of the legal profession in New York were divided into two classes, attorneys and counselors. After practicing for three years as an attorney, with satisfactory success, Mr. Winans received his license as a counselor-at-law the year before the adoption of the new constitution of the State of New York, which abolished the distinction between the two grades. For three years more, he practiced as an attorney and counselor at the New York bar. The success which rewarded his labors, in the morning of his life, demonstrated that he had not been unwise in the choice of his profession.

With all his love of study and his application to business, our subject was not without the natural ardor of youth. He wished to behold new fields. At the age of twenty-nine, in conjunction with a few friends, he purchased a vessel, manned and fitted her for the voyage, and set sail for California, by way of Cape Horn. The vessel landed the party at San Francisco on the 30th day of August, 1849. Resting for a few days in the sand-hills of the Bay City, they turned the prow of their little craft towards the north, and after a few days' sail, arrived at Sacramento. The City of the Plains, at that early day, was a vast encampment of tents and rude huts, thronged by a rough and restless multitude, hailing from all parts of the globe—the grand headquarters of the miners of northern and central California. Crowded with the trampling, rushing, struggling mass of adventurers who filled her streets and her dens of dissipation and crime, the city presented a scene which cannot even be imagined by those who never beheld the motley picture.

Here Mr. Winans pitched his tent. His journey was at an end. Only a few days were devoted to observation and repose, when he opened a law office and commenced the practice of a science unknown and unrecognized by

the lawless throng which surrounded him. His course was in striking contrast to that of his fellow-pioneers. The community was mostly composed of miners and gamblers. Nearly every eager immigrant who, in the hot pursuit of the hidden treasure, was content to keep within the bounds of honesty and propriety, upon his arrival sought the mines and went to work as a miner; while a rapidly increasing multitude, not over-scrupulous as to the means or manner of acquiring fortune, attached themselves to the second class or division of the community. This latter class embraced many (a sad, yet curious fact) who had been above suspicion in older and sober communities. In the more laborious, yet not much larger, class of miners, could be seen the pale student, the prim shop-clerk, the emaciated teacher, and the delicate professional man, grappling with the earth and rocks, side by side with laborers of heavy build and brawny arm. Norval, when he had come to do "the happy deed that gilded his humble name," did not look upon the "shepherd's slothful life" with greater disdain than did the doctor and lawyer of '49 feel towards the profession to which his youth was bred, and which had been acquired at the cost of so much time, care, and labor. Bent only upon the rapid acquisition of wealth, wherewith to return to the old home, the land where professions flourished, this class of men cared only for the mineral riches, and gave no thought to the grand future, of California. To their restless spirits, this fair and fertile region offered no inducements for permanent abode, but was nothing more than a temporary abiding-place for fortune-seekers.

Our subject, however, be it said to his enduring credit, was not a victim to the general hallucination. He had faith in his new home. That faith assured him that the existing dissolute state of society must ere long give place to law and order, and at times gave him glimpses of a new and mighty empire, which would rear its power upon the Pacific slope, blessed by the influence of American civilization, protected by the American arms and the American flag.

A few months after he commenced practice, Mr. Winans formed a partnership with John G. Hyer, which continued for ten years, and up to the time of Mr. Winans's removal to San Francisco. The firm of Winans & Hyer was for many years acknowledged as the leading law-firm of the capital. When that city was visited by the most terrible of her many afflictions, the great flood of 1860-'61, Mr. Winans removed with his family to the metropolis. There he soon formed a partnership with Mr. D. P. Belknap, the compiler of the valuable work upon Probate Practice in California. This partnership still continues.

In politics, Mr. Winans was formerly a Whig. He cherished a deep-seated devotion to the principles of the Whig party. Through the columns of the press, as the editor of several influential journals, and on the stump, as a speaker in many exciting campaigns, he was always ready to do battle for the old party which has passed away. Since the fall of that party, he has uniformly acted with the Republicans. He has never been a seeker after office. He has held many honorable and responsible positions in Sacramento and San Francisco, but has been before the people on only two occasions as a candidate for office; first, in Sacramento, in 1850, when his Whig principles led him to defeat, as the candidate of his party for Recorder or Criminal Judge; second, in San Francisco, in 1865, when he was elected as the Union candidate for School Director of the sixth ward of that city. In 1852, he was elected by the Board of Aldermen of Sacramento, to the position of City Attorney or Corporation Counsel, which he held for several years.

In 1853, he was elected President of the Pioneer Society of Sacramento, and twice reëlected to that place. In 1858, he was chosen President of the Sacramento Library Association. For many years he has been a delegate to the General Convention of the Protestant Episcopal Church for the Diocese of California, and in 1859 attended the session of that body held at Richmond, Virginia, on which occasion he took frequent part in their debates. In 1861, he was appointed by the

Legislature one of the trustees of the State Library, and was subsequently chosen by his associates President of the Board. He still occupies this position. In 1864, he was elected President of the Society of California Pioneers of San Francisco; and in 1865, President of the Board of Education of that city. He has been one of the regularly retained counsel for the Union League since its organization in California.

Mr. Winans wields a vigorous and facile pen. During his residence at Sacramento, notwithstanding his large law practice, he found time to indulge his literary taste. For many years, he edited the *Index* and *Times*, both papers published in Sacramento. He was also for years a frequent contributor to the *Sacramento Union*. Some of the ablest editorials in that popular journal, which, from time to time, have attracted public attention, are the productions of his pen. In the columns of that paper have been first submitted to the public eye a great many of his essays and poems, most of them appearing under the *nom de plume* of "Glycus." Over this name, and in the editorial columns of the leading journals of the State, he has talked so often and familiarly to the reading public, that it is unnecessary here to even refer to his qualities as a writer.

Mr. Winans is a finished classical scholar. In the course of his life, he has been called upon to deliver lectures and orations before political, benevolent, and other associations of men. He is a fluent speaker, and his manner and gesticulation graceful and earnest. His voice, though not harsh or unpleasant, does injustice to his rich and glowing diction. His power is in his prolific pen, which never tires. A collection of his miscellaneous productions would show him to be one of the most voluminous writers on the Pacific coast.

In 1864, Mr. Winans married the second daughter of Alexander Badlam, Sr., of Sacramento. He has three living children.

In his office, he is a hard worker and close student. His firm attachment to the practice of law and his close application to business have secured him at all times

a handsome business. He is eminently a successful lawyer. Nor has his success been the result of accident: it has been the legitimate fruit of patient toil, and a judicious use of his talents.

To his profession he has ever been loyal, and beneath her banner he has walked for over twenty-five years. His constancy and fidelity to the noblest of sciences, furnish a bright example to the army of young men in California who are about entering upon the practice of law.

THE GOLDEN WEDDING.

BY JOSEPH W. WINANS.

From mountain springs far, far apart, out in the frozen north,
Two tender rills, in infant glee, to life and light burst forth;
And gathering volume as they flowed from their primeval source,
'Midst constant change of scene and soil held their appointed course.
Through channels formed by nature's law their destined routes to run,
They glided on to meet at last and mingle into one.
Then seaward on its broadening path the shining river sped,
To gladden every clime through which its fruitful waters spread;
And further as it swept along, remoter lands to lave,
Like human progress, it diffused a more enriching wave.
While through the densely peopled realms it opulently rolled,
Upon its breast, whose broad expanse the sunlight tinged with gold,
From ship to shallop many a craft to many a distant shore,
With life and commerce freighted full, that lordly river bore;
Down drifting through the dusty land, with fertilizing tide,
It grew amain a cherished source of luxury and pride;
Until, where at the marge of earth the sounding surges roar,
Deep into ocean's dense abyss it plunged for evermore.
'T was thus in the good olden time—the time of long ago—
From separate springs, my parents dear, your lives began to flow;
Through flowery scenes they coursed along, with ceaseless verdure bright,
Till, ere youth's halcyon days had fled, love bade them to unite.
Adown the wide domain of time—that empire broad and free—
Your blended lives have flowed along, as river flows to sea.
Through fifty fluctuating years—a century half told—
Not like Pactolus' wave, of old, which ran o'er sands of gold,
But rather like that grander stream whose waters, as they glide
From State to State, still stretching on, a continent divide;
Your mingled destinies, beloved, expanding as they roll,
Have scattered blessings far and wide while speeding to their goal.
Full many a gallant argosy, upon its glowing breast,
The river of your nuptial life has tenderly caressed;
Down through the barren years has poured its renovating stream,
Till what were drear and dead before, with life and beauty teem.
The motley, yet imposing fleet, upon that river borne,
Is gliding to the happy land whence none shall o'er return;
With high resolves, and virtues rare, and deeds of noble worth,
With precious souls which from your own took their immortal birth,

All richly freighted for yon shore which lies beyond the main,
Whose radiant harbor, when attained, yields everlasting gain.
Majestic river! still flow on, and—in thy widening scope—
Still promise to the future give and to the present hope;
Nor haste, until thy bright career of usefulness is o'er,
To plunge into that mighty void, upon whose further shore
No mortal eye hath ever gazed since being first began,
And sorrow-laden earth was made the heritage of man.
Awhile on thy prolific course along the sunny land
Yet linger ere thy billows seek the dim and misty strand
Where ocean waits thy coming with its wierd and solemn song:
How short, O Time! how short thy reign—Eternity, how long!

THE DIGNITY OF LABOR,

A Lecture delivered before the Mercantile Library Association of San Francisco, on Friday evening, December 28th, 1855.

BY JOSEPH W. WINANS.

The world is awakening from its long sleep of ages. The people are shaking off their lethargy, as the lion shakes the dew-drops from his mane. Low, muttering thunders give portent of an earthquake, whose coming shall shake terribly the nations. Thrones are tottering, dynasties downfalling, kingdoms crumbling into dust. The wave of Revolution is sweeping onward, over the wrecks of empire. Earth's millions soon shall own no despot's sway. The people are the rulers. Labor is king! Mark the world-wonders that were wrought in earlier days, when labor was the serf, and not the lord. Gaze through the earth and down the ages. What girded Babylon, with its tremendous walls? What reared the pyramids? What struck a sphynx forth from the solid rock? What built the Parthenon? What stormed the walls of ocean-circled Tyre, the Mistress of the Seas, and left the billows sporting in her place? What brought out Jupiter Olympus from the marble, and formed Rhodian Colossus from the brass? Labor—labor of the arm in him who wrought, labor of the head in him who planned. But though these achievements were the trophies of labor's earlier day, won by the energy and efforts of a few, prouder, far prouder triumphs greet it now, when all mankind acknowledge its supremacy—when every tongue is vocal with its praise—when millions prove its power with the thought and hand. Although the ancient world regarded labor as the instrument of great designs, yet was it ever stigmatised by low associations and invidious conceptions. Even the Mantuan, who tells us, "*Labor conquers all things*," calls it "*improbus*," or base. It was reserved for a later age; an age of energy and toil; an age in which the ploughshare overcomes the sword, and the spear is forsaken for the hammer; an age whose wondrous spread of intelligence and freedom has taught man the grandeur of his power and the mightiness of his ambition; an age of which progress is the law,

and development the consequence; it was reserved for such an age to trample down the prejudices of the olden time and vindicate the majesty of labor. If the lightning's spark, touched to the trembling wires, athwart the continents flings thoughts, like rockets, burning as they fall, so labor strikes from man those powerful displays of physical and mental prowess which electrify the world.

Contrasted by prominent but individual examples, the present, it is true, has slight advantage over ancient times. Would you point to the creations of manual contrivance? What later structures overcome in vastness and elaboration the massive masonry of Trajan's bridge, or the stupendous causeway of the Via Appia? Would you move amid the realms of Art, or scan the works of Intellect? Who but the ancients fashioned and contrived the rich designs of architecture, or brought its forms to such a rare perfection? How many an art of which they were the masters has been lost for ever to the world! What fabric vies in splendor with the Etruscan vase? What sybarite now sleeps on purple gorgeous as the Tyrian dye? What combination of ingredients can reproduce or rival the Corinthian brass? Though Michael Angelo mounts to sublimity and Claude excels in softness, yet did not Zeuxis by his art beguile the very birds of heaven? Is not Parrhasius reputed the Correggio, and Apelles the Raphael of antiquity? Who ventures to contend that the superb creations of Canova or Thorwalsden shame the chiseled splendors of Praxiteles or Phidias? If England has her Garrick and France her Talma, did not Rome glory in a Roscius? If listening senates hung spell-bound upon the eloquence of Burke and crowded auditories thrilled at the exhortations of Bossuet, did not Isocrates surpass them in refinement, Lysias in elegance, Demosthenes in burning vehemence and force? What though Shakspeare rules the minds of men with undisputed sway, has Homer been forgotten? Hath Pindar's lyric lost its fire, or Virgil's strain its sweetness, because Milton clothed his song in thunders and Tennyson caught up the music of the spheres? Onward, with measured pomp, in grand battalions, moves the columned language of Macaulay, while the contrasted periods of Cicero swell like an organ on the ear. And so the parallel might be prolonged. But herein lies the difference. The ancient world is brilliant in its instances of high preëminence, yet these were isolated and individual, while the mass lay altogether dormant, sunken in ignorance or degradation; but now, the PEOPLE, prompted by the strong incentives of intelligence and freedom, have begun to work. What a startling change has human progress wrought! Beforetime the nation was a force, and acted through its chief. The people were the atom-elements, which, in their combination, made that force, and the earth contained so many moral forces only as it numbered nations.

Now man, the individual, is in himself a force, an independent force, and the earth has just so many forces as it numbers living, thinking, acting men: for even in this day of unexampled effort many exist who do not live, many are sentient who do not think, many concern themselves with manifold affairs who do not act! Beforetime

men were thought for by their rulers, and thus became mere agents of a despot's will; now, in the general heritage of independence, man has discerned his right—nay, his divine prerogative—of thinking for himself. No longer moping in the thrall of tyranny or reft of the free franchise of opinion, he has risen into the full stature of his manhood, realized the magnitude of his capacity, and in that knowledge verified the true nobility of labor; of labor, in its highest form, the union of the physical and mental; labor of the sinewy arm, labor of the burning brain! So he whose vocation is mechanical is prompted to employ his hours of leisure in the cultivation of the mind; he whose pursuits are mental, to invigorate his frame by frequent action. And thus, while mind and body act, react upon each other with reciprocal intensity, man, the lord of creation, though "fallen from his high state," without a fetter on his tireless wing, is rising higher, higher, in his flight towards the stars. In the deeds of labor are involved the destinies of human nature. It is the source of all excellence, of all attainment; the instrument of progress, the parent of invention; the universal, absolute, all-conqueror, omnipotent in prowess, like Achilles, but with no vulnerable spot upon the heel. In the language of an eminent economist, "Labor is the talisman that has raised man from the condition of the savage; that has changed the desert and the forest into cultivated fields; that has covered the earth with cities and the ocean with ships; that has given us abundance, comfort, and elegance instead of want, misery, and barbarism:

> "All is the gift of industry, whate'er
> Exalts, embellishes, and renders life
> Delightful!'"

Before mortal man was fashioned from this globe on which he treads, the Divine hand had by its own operations proclaimed the dignity of labor. That Grand Architect who set a universe in motion; who called forth order out of chaos; at whose bidding sprung from realms of darkness those refulgent orbs which move upon their courses through the unmeasured track of space, and down the march of ages; who disclosed the sublime harmonies of nature, and stamped beauty in living radiance upon the features of creation; through six primeval days wrought out His wondrous plan, and the morning stars when they sang together at the earliest dawn of being were jubilant of praise over the consummated work of Deity. Man, the noblest of created things, was designed for perfect happiness in continuous repose, and, but for his wanton disobedience, would still have wandered through the scented groves of Eden and by the margins of its pleasant streams, amidst the ceaseless bloom of flowers and the lulling melody of fountains—unvext with toil, unclouded with a care, his every sense pervaded with delight, "all nature beauty to his eye or music to his ear."

But man fell, and forth went the Divine fiat, "cursed is the ground for thy sake," "in the sweat of thy face shalt thou eat bread until thou return unto the ground." Yet what was thus visited, in

long entail, on him and his posterity for ever as a seeming curse, was converted instantly by the Supreme Benevolence into a blessing, and labor was ennobled by Omnipotence, the punishment transmuted to reward through "the dear alchemy of mercy," because it was the lot of that being whom He had created in His image. Thus honored with the sanction and enjoined by the command of Deity, made from the first the destiny of human nature, labor is and ever must be honorable; honorable in all its forms, material or mental; honorable in all its achievements, whether of the hand or brain. It matters not in what department of duty you may act. The very diversity of occupations and pursuits becomes the most efficient means for the advancement of the common good. One, by the aid of microscopes, constructs the most minute contrivances of mechanism; another, by the strength of brawny arms, shapes to his will the rigid iron. One, delving amid darkness, tears the bright gold from the bowels of the earth; another opens up the globe in smiling furrows, teeming with increase. In the lone midnight, far above the city's murmur, twinkles the scholar's solitary lamp.

By painful calculation, the astronomer traces out new bodies in the fields of space, which have shone unseen for centuries; by elaborate experiment, the chemist detects new affinities, and establishes new principles in matter. While the investigations of science are disclosing the abstruse mysteries of nature, the labors of the closet are adding to the sum of human knowledge. If Bacon, by profound analysis, improved the discipline, enlarged the scope of mind, and revealed the subtler forms of intellectual philosophy, Kepler and Leibnitz and D'Alembert achieved results no less important by their researches into the hidden arcana of the universe. Thus the great stream of labor floweth on, bearing the works and treasures of all ages on its breast in rudest crafts and stateliest argosies, hoarding up boundless wealth within its depths, wafting the voyager upon its heaving tides to fame and fortune! Who is it that thrives among his fellows, and mounts to eminence, and rules the meaner throng? Who but him of the iron will and ceaseless hand; whose mind is eager for the conquest of his purpose; whose frame demands no respite from its toil; who bends him firmly to his task, while the common eye is hid in slumber, and flinches not for obstacle or opposition; he whose

> "keen spirit
> Seizes the prompt occasion—makes the thoughts
> Start into instant action, and at once
> Plans and performs, resolves and executes."

Truly saith the Eastern proverb: "In proportion to one's labor eminence is gained, and he who seeketh eminence passeth sleepless nights. He diveth into the sea who searcheth for pearls, and succeedeth in acquiring lordship. Whoso seeketh eminence without laboring for it, loseth his life in the search of vanity." In every rank of life, in each department of action, labor is indispensable to the attainment of success. Would you speak of the triumphs of genius? What is genius without labor? A meteoric glare that

gleams athwart the skies one fitful moment, then vanishes in gloom. What is labor without genius? The agent and contriver of all that is useful, all that is enduring amongst men. Between labor and genius the contrast is as the fable of the race between the tortoise and the hare—while one sleeps by the way, the other gains the goal. This dazzles the world with the brilliance of an ineffectual flame, that toileth on unseen, unnoted, and—like the toilings of the coral-line artificers in the secret depths of ocean—rears by minute but constant efforts its stupendous work. Genius is as a crystal cavern pictured on the stage, blazing with scenic decorations, gorgeous with display, yet transient and illusive; a grand effect, wrought by the trickery of meretricious art, magnificent with gaud and tinsel; to enter in and gaze on which the senses are allured by the blandishments of music and illumination. But labor is as a cavern in the earth, repulsive and forbidding in its entrance, winding far through narrow, dark, and tortuous paths, yet bursting forth at last into a vast expanse of fretted architraves and glittering stalactites; a bright reality, superbly splendid in the torch's ray, whose slow construction was the work of time, yet whose duration is unending.

But from the combination of genius with labor, this blended usefulness and brilliance, emanate the loftiest achievements of mankind; for labor is to genius what the lapidary's skill is to the gem. From the dull, clouded, and distorted mass it shapes a thing of light, whose polished form blazes with lustre, and emits imperishable splendor. It is this combination which rears those material and mental fabrics that fill the ages with their praise. It is this which scales the dizzy heights of fame, which penetrates with ships "informed by fire" to oceans' farthest realms, which lights ambition's flaming torch. It is this which gave the vast learning of Aristotle to the world; gave forth those grand old tomes evoked from their literary grave at Scepsis, after a sepulture of three score years. It is this which carved a pathway to the heights of glory with the sword of Austerlitz. It is this which made the earth a race-course for the iron steed, and belted it with the thought-communicating wires. It is this which calls forth intellect from its obscure abode and sends its powers flaming, like the fabled coursers of the sun, through space and time. The myth informs us that Æolus confined the winds within a narrow cave, but when he loosed their chains, they rushed impetuously forth and filled the earth with uproar, madly careering over land and sea, sweeping whole navies into wreck, and scourging continents. So in the cavern of the brain man's thought lies darkly hid, but, wrested thence, it seizes earth and vastest realms of space within its grasp. And yet this gift of genius is a far rarer faculty than men suppose. It may be said that what is commonly reputed genius—not the faculty itself, but its mere simulacrum—is but another name for labor, indefatigable, all-contriving labor. Between man and man the powers of mind are nearly on a level. And yet he who cultivates those powers grows prominent, perhaps preëminent—nay, oftentimes controls the world, while thousands of his fellows, not less gifted than himself, corrode

their talents in the rust of indolence, or stifle them within the coils of pleasure. It is this perversion of his nature from its law of labor that deprives man of self-knowledge. Unless disclosed by accident or circumstance, he rarely knows his powers or the reach of his capacity.

Had not a revolution reddened France with blood, no Robespierre would ever have been thrust upon mankind; had not another revolution wrenched America from England, the Father of his country would have been unknown to fame. Had Danton been a patriot in the cause of American independence, and Lafayette a Red Republican, how different the history of each. Until stung and goaded into vehemence by the scorpion lash of the reviewers, Byron never wrote a genuine poetic line. If Waverly, sent forth as an experiment, had proved a failure, the superb romances of Sir Walter Scott would have been lost unto the world. What rendered Hampden glorious and gave to Sydney deathless immortality, but the tyranny of an oppressive throne? To these, and myriad others of the mighty or renowned, it was the magic wand of circumstance revealed, by an external spark, the fire within, and the spell of labor caused that fire to glow before the nations. True it is, that men have but little knowledge of themselves. The "Gnothiseauton" is as great a problem now as in the days of Thales of Miletus. Wanting the development of labor, the great man lives in ignorance of greatness, and the mighty man unconscious of his might, and after an inglorious career they both go down into the tomb, as units of the common throng, unhonored and unsung. In the multitudinous congregations of mankind, there is many an undiscovered Pericles or Plato, Wellington or Webster, Leverrier or Luther. So thought Gray, when he gazed in fancy on the quiet churchyard, and thus mused:

> "Perhaps in this neglected spot is laid
> Some heart once pregnant with celestial fire;
> Hands that the rod of empire might have swayed,
> Or waked to ecstacy the living lyre:
> Some village Hampden that, with dauntless breast,
> The petty tyrants of his fields withstood;
> Some mute, inglorious Milton here may rest;
> Some Cromwell, guiltless of his country's blood!"

There is far less difference between the capacity than the industry of men. Place all mankind from infancy in a similar career of discipline and training, give them the same facilities, inspire them with a common zeal, and history, no longer dealing with the individual, would grow to be generic in her records. Those splendid instances of greatness which even now shine forth at times in isolated grandeur, would lose their prominence were all men conscious of the latent force within them, and by that consciousness impelled to act. The people have begun to realize this mighty truth, and the spirit of the age is prompting them to universal action. Hence the deeds of labor, in all their vast diversity of form and consequence, are growing sacred in the popular regard, diffusing know-

lcdge, leveling disparity, filling the earth with miracles of art and beauty. Thus, as the mass becomes more active and intelligent, those instances decrease where genius mounts to lofty heights above the general level. A single star upon the night is brightly prominent, but when the skies are gemmed with myriad orbs, although the brightness is increased, the individuality is lost.

From the grave of the past ages, whose multitudes were ignorant and servile, the names of the departed great shine singly out, through the surrounding gloom, like torches in a cemetery. But now this principle of greatness is diffusive. The people grow generically great—great through the agency of labor—great in illustrious deeds—great in the work of handicraft and craft of thought. The world is full of books, the channels of improvement broaden; invention racks herself for new discoveries, and science rises on a bolder wing, until, at last, by the general absorption of individual distinction in the fusion of the mass, is produced an aggregated splendor which illuminates the world, just as particles of light, though separately brilliant, mingle and produce the all-pervading radiance of day. And thus, though fewer instances of isolated greatness stand forth from the throng than in the olden time, the world is far more luminous with energy, intelligence, and action. This general development and cultivation of the human powers confirms the proposition that the diversity between the abilities of individuals is comparatively limited in its extent. Though the sea mounts up in lofty waves, and sinks in deep abysses, yet these surface inequalities cause little variation in its common depth; though the earth rears itself in the grand magnificence of mountains, and bows down in the low humilities of vales, yet, if you stood where Archimedes sought to plant his lever, and gazed upon the glorious orb entire, each mountain would be as the grain of sand, and each valley as the pin-point scratch upon the surface of a school-house globe. So, though human nature in its degeneracy dwindles down into the driveling idiot, and in its elevation soars into the genius, whose lofty frontlet strikes the stars, yet these disparities in their variation from its true measure of equality, are but what billows and abysses are unto the ocean, what vales and mountains are unto the land. For the great principle of humanity, which underlies man's universal nature, is a world within itself, as perfect as the material orb on which we tread, and the casual deviations from the common standard of capacity, which here and there exist, are but its inequalities. It is the inactivity of the slothful, the ignorance of the unlearned—not the want of natural endowments—that creates the seeming inequality between man and man.

Again: labor is needful to invigorate the frame and display the inexhaustible resources of the mind. The idler is a burthen to society. Without aim or purpose in the scale of being, he becomes entirely useless, wretched and degraded. Apply a styptic to the wound, and blood no longer flows; subject the rivers to the north wind's breath, and their currents cease to run. So Indolence congeals and stagnates all the impulses and energies of human nature.

Beneath its blighting touch the emotions of the heart are stifled, the aspirations of the spirit quenched, affection withers, and hope ceases to incite. What bitter fruits are gathered from the tree which indolence has planted! What melancholy ivy crowns the walls and hollow echoes murmur through the corridors of its dilapidated castle! How stealthily decay creeps into the enclosure, and thorns and brambles overgrow the garden of the sluggard! Idleness has been termed the parent of many vices. It is more: it is the prolific sire of all iniquity. Dreary is the doom and dark the pathway of the son of sloth. Mark you the conventional idler, that prominent feature of society, who lounges in saloons, and haunts the dens of dissipation, and prowls around the purlieus of depravity; who spends his time in doing nothing, like some scurvy politician, and quarters on the provender of others—what a miserable thing he stands amid the din and turmoil of this busy world! There was grandeur in the fall of Lucifer, but his decline calls forth no sentiment of admiration or compassion. It matters not that one be high in station or of gentle blood, for rank gives no immunity from labor. What right has yonder lordling to riot in indulgence while his humbler fellow toileth on? Was it for this that God made labor blessed and its burthen sweet to all his creatures; made it their duty and their honor, while he drones through unprofitable years, consuming the industry of others, producing nothing for himself; making vaunt of his gentility, yet leaving not his mark upon the age?

"When Adam delved and Eve span,
Where was then the gentleman?"

Without labor, youth is degraded to the basest uses, until a career of reckless dissipation and unscrupulous depravity plunges its victim in an early grave; without labor, manhood is precipitated upon crimes and shames, from which its better impulses recoil, and, like a wandering star, strays into the darkness of eternal night; without labor, age itself is oftentimes disquieted and tossed upon a thorny pillow. "Nevertheless," saith the moralist, "to the diligent, labor bringeth blessing; the thought of duty sweeteneth toil, and travail is as pleasure; and the spirit in doing good hath a comfort that is not for the idle; the hardship is transmuted into joy by the dear alchemy of mercy. Labor is good for a man, bracing up his energies to conquest; and without it life is dull, the man perceiving himself useless; for wearily the body groaneth, like a door on rusty hinges, and the grasp of the mind is weakened as the talons of a caged vulture."

The opulent merchant who retires from a long life of toil to enjoy his affluence amid the voluptuous indulgence of luxury and ease, soon wearies with satiety, and longs again to mingle in the stir and tumult of the mart, and to that longing clings while life endures. So the worn war-horse, in the last extreme of life, moves languid through his pastures, parted from the trumpet's sound, but when the notes of distant war are borne upon the breeze, he rallies

all his energies, and bounding madly forward, in that effort dies. Each noble longing in our nature craves, each physical propensity demands, activity. The curse of idleness is a sharper stigma than the brand of Cain. Go to the ant, thou sluggard! While Hannibal toiled on, the gates of Rome were powerless before the whirlwind of his coming. Lured from his hot pursuit by the seductive blandishments of Capua, he lost the empire of the world. Before the resistless march of Alexander everything gave way, until he wept at having nothing left to conquer; yet, suddenly, in the very vigor of his years and the meridian of his glory, the fatal revelries of Babylon swept him into an untimely, ignominious grave. Thus, while idleness is the bane of life, labor is the antidote. For labor is promotive of longevity. The great men of the world live on through many years. How venerable are its philosophers, its statesmen, its artificers, its scholars, and its sages! Nestor ruled over three generations of his countrymen. Solon, the great lawgiver of old, and those distinguished jurists of the modern school, Grotius, Mansfield, Marshall, were veterans, whose labors lasted with their lives. Socrates was the wisest of the Greeks, Varro the most learned of the Romans. Goëthe rises stalwart like an Ajax in the ranks of German mind, and Brougham shines the intellectual demi-god of Britain. These all outran in their allotted span the term of threescore years, and will realize their well-earned tribute through the deathless ages of renown.

Look to the lives and exploits of the sons of toil for labor's grandest eulogy. With indurated frames and spirits energized by action, serene in cheerfulness, supreme in health, they fill the functions of a high humanity, however lowly or exalted be their station, and pass away at the close of a long life steeped in the glory of their own bright deeds, as the sun goes down in luminous effulgence 'neath the western wave. They find no hardship in endurance, but realize that labor is its own reward. Every hour of application is sweetened by the consciousness of what it will produce, and in the thought of toil endured there is abundant recompense. The artisan who rears a stately edifice out of the rude, misshapen heaps of wood and stone around him, transforming them by the spell of labor into a thing of usefulness and beauty, is nobler than a conqueror. As he who fashioned it stands gazing on a glorious work perfected, an emanation from himself, the creature of his hand, his heart throbs with a livelier emotion of delight than Cæsar when a crown was woven for his kingly brow. The sculptor, when he forces out his living thought from the reluctant marble, though his hand be heavy with its toil and his brow humid with its travail, thrills with a prouder joy than he, lord of a thousand statues, who moves superbly through his galleries and contemplates them in the pride of conscious affluence.

It is this divine propensity of labor which prompts men to persevere in their designs. A weak or faltering spirit is disconcerted by impediments. But perseverance overcomes all obstacles. It is the application of intense determination to unceasing effort. It

makes the mountain come unto Mahomet. Fixed in resolve, it struggles on, though "hills on hills and Alps on Alps arise" before it, and higher, higher mounts aloft unto its purpose, scaling the dizzy pinnacles until it grasps the very skies. When Tamerlane, despoiled and routed, his mighty host dispersed, stole to the shelter of a solitary ruin in the wilderness, and crouching there in abject fear, for one trembling moment gave up all for lost, he chanced to see a spider striving to connect its web with the adjacent wall. For nine and fifty times the patient insect struggled with its vain attempt, yet each successive failure proved but the incentive to renewed exertion. Such fearful resolution in a creature destitute of reason roused the torpid warrior from his stupor, and when, with its sixtieth attempt, that insect realized success, the giant rose into his loftiest stature, and with his nerves intensely strung to action, swore never again to falter in a purpose or to know a fear. And forth he strode from that gray ruin and that quaint monitor within it, a conqueror in prowess and in soul a king. Asia soon trembled with the shock of his resounding arms, and nations owned him lord.

Such are the triumphs of perseverance, such the lessons it administers from feeblest agencies. Our daily life is pregnant with examples of what can be achieved by those who, though endowed with limited capacities, devote themselves to unremitting toil and flinch not from their purpose; who yearn for no indulgence, yield to no discouragement, but, heedless of the claims of appetite, the longings of desire, cling fixedly, like Sinbad's old man of the mountain, unto their pursuit, and bend the force of circumstance unto the rigor of an iron will. Such men accomplish more, far more, than he who flames across the world's horizon, whose name rings, trumpet-toned, upon the voice of fame. The great deeds of the earth are wrought by humble agents, working out obscurely the designs of Providence, while history confines her feeble and imperfect records to the doings of the prominent and mighty. How seldom are her portraitures of nations national, how rarely do her records realize the verity which records should impart! But the triumphs of labor, in this enlightened era, are not restrained to things material and mental: they gather other trophies from the broad fields of religion and philanthropy. In every quarter of the globe the missionaries of the gospel are proclaiming messages of mercy to benighted men. Through seemingly insufferable hardships and insurmountable impediments, never faltering in resolve nor flinching from the face of danger, at the sacrifice of all things, oftentimes of life itself, they force their way among barbarous or hostile nations, over rugged mountains and through burning deserts, piercing into climes inhospitable with malaria and pestilence, or the deadlier scourge of man's unhallowed rage, bearing aloft in their consecrated hands the high commission of their Master, and millions of every lineage and tongue, the scattered descendants of one great progenitor, among the continents and through the islands of the sea, are now learning the glad tidings of salvation; while the sacred fire expires upon the altar, the idol tumbles from its shrine, and

the impious rites of sacrifice and maceration cease to be performed by pagan hands.

In this grand pageant Xavier led the way. His iron nerve flinched not, his firm lip never quivered, nor faltered his inexorable will: he did not shrink from toilings superhuman, from dangers unexampled, from abasements such as mortal man has never borne before, but dead to every yearning of his nature, crushing under foot all passion and emotion, forced his path through self-imposed privations and unimaginable sufferings, amid every vicissitude of fortune, at one time the idol, at another the scoff of the multitude around him, until seven hundred thousand converts sanctified the name and perpetuated the glory of the great Apostle of the Indies. Nor are the labors of philanthropy much less conspicuous. Apostles of humanity are traversing the earth and piercing every zone wherever affliction is in need of solace, ignorance is pining for instruction, or destitution clamors for relief; seeking, through the promptings of an unselfish and enlightened charity, to establish the universal brotherhood of man and ameliorate the condition of the race. Trace Howard through his pilgrimage. See him shunning the haunts of luxury, spurning the halls of nobles, to visit the prisoner in his dungeon, the plague-stricken in his lazaretto—rearing cottages for peasants and school-houses for gratuitous instruction; seconding the impulses of a heart keenly alive to every human impulse with the offerings of a hand abundantly enriched. He went on his high mission to relieve the sufferings and soothe the sorrows of mankind. He made his bed with the wretched and degraded, and paused not in his luminous but melancholy path through the squalor of the prison-house and the infection of the pestilence, until contagion struck him with its blighting fang, and stilled the pulse of that noble heart for ever.

And she, the glory of her sex, who still skirts the lurid track of war, a ministering angel on her chosen errand of benevolence and good, displaying in her character the lofty virtue, and in her conduct the generous devotion, of a woman's nature, beaming with tenderness and love, she whose song of life, like that of the nightingale, whose name she bears, is sad but full of wondrous music—honored be her work and green her memory for ever! What shall be said of those relief expeditions which have wrought so much for the benefit of man and the extension of discovery; which have opened new pathways of the sea and found an ever-heaving ocean beyond the realms of circumpolar ice? What of those bold navigators who have made the circuit of the earth in their adventurous course, at one time lagging with an idle sail beneath the burning sun of torrid climes, at another locked up in dense masses of impenetrable ice, or buried in the darkness of protracted night; who pursue their journeyings through perils and privations into unknown regions, to explore what still continues undiscovered in the formation and phenomena of this material globe?

We have thus wandered through the labors of the ancient era

and down the modern time. We have, as it were, strayed through an arbor dense at first with foliage and oppressed with shade, but continually brightening as we journeyed down its vista towards the clear perspective at its end. Into that perspective have we now emerged. It is the glorious, all-pervading, all-achieving present. Now, labor is indeed the king! Drawn from the skies by Franklin's promethean touch the lightning has been yoked by Morse, like a tamed courser, to the thought-conducting car. Upon one continent, the genius of Arkwright played to comfort millions with its useful skill; upon another, Whitney wrought his great invention to augment beyond compute its wealth and welfare. Up through the realms of air bounds the balloon, down through the ocean depths descends the bell. What Watts devised, Fulton and his successors have applied to subtlest uses, until distant empires clasp each other, and the earth is circled and the sea is knitted to the land by the strange mystery of steam. Through the Atlantic depths a submarine chain cable is advancing to unite the shores of America and Europe. Across wide oceans the affiliated nations stretch their hands to mingle in the grasp of fellowship, as the colossal forms of Miriam and the Wandering Jew appeared to clasp each other in the gloaming, although parted by a sea.

The very currents of the air and ocean have been jointly made subservient to the will of man in shortening the routes of navigation; and the stars that blaze upon his breast, and the emulous distinctions won from royal hands, attest the genius of Lieut. Maury. In shapelier fabrics than of old, looms the architecture of the sea, traced in new forms of speed and beauty by the shipwright's nicer skill, and statelier structures rise upon the land, and loftier spires point out the way to Heaven, wrought by the myriad sons of toil. The press wearies with its efforts for the spread of knowledge, the heart pants with its throbbings for the welfare of humanity. Throughout the ranks of universal man, where he still darkles in the savage and where he shines refulgent in the sage, the work of regeneration goeth on. In the language of a cotemporary: "Within the last twenty-five years all the principal features of the geography of our vast interior regions have been accurately determined; the great fields of Central Asia have been traversed in various directions, from Bokhara and Oxus to the Chinese Wall; the half-known river systems of South America have been surveyed; the icy continent around the southern pole has been discovered; the Northwest passage, the *ignus fatuus* of nearly two centuries, is at last found; the Dead Sea is stripped of its fabulous terrors; the course of the Niger is no longer a myth, and the sublime secret of the Nile is about wrested from his keeping; the mountains of the moon, sought for through two thousand years, have been beheld by a Caucasian eye; an English steamer has ascended the Chadda to the frontiers of the great kingdom of Borneo; Leichart and Stuart have penetrated the wilderness of Australia; the Russians have descended from Irkoutsch to the mouth of the Amoor; the antiquated walls of

Chinese prejudice have cracked and are fast tumbling down; and the canvas screens which surrounded Japan have been cut by the sharp edge of American enterprise."

Behold this lordly pile, the city of your home, rich in its fretted domes, its gorgeous palaces and many chambered mansions, rising like an exhalation from the deep, and looming grandly in the amber air! Evoked as if by magic, like the Palace of Aladdin; its marts crowded with the merchandise of every clime, its harbor dense with the navies of all nations, rivaling old Tyre in the magnitude of its commerce, and illumining the western continent with the luster of its arts; a vast community, wherein are mingled the motley denizens of every zone, and from which emanate financial influences that pervade the globe; what a stupendous monument it is, and will be to all future time of the omnipotence of labor! A spiritual world is bursting on the sense, and though its revelations are steeped in the marvellous and the incredible, yet human foresight dares not prophesy what wonders of the unseen void are yet to be explored by man. If Newton, while he lived, believed himself a mere gatherer of shells upon the shore of the ocean of intelligence, a bolder generation has arisen which quits that shore, and fearlessly sails forth upon that sea, and 'mid the widely opening wonders of the view, scans with a clearer eye the mysteries of being, as it speeds along to its eternal bourne. But here our task must close. The word of God, the voice of nature, and the monitor within us, all unite in uttering this mandate unto man: Work while you may, with all your energies, "for the night cometh soon in which no man can work." In whatever sphere your lot is cast, see to it that you do your duty faithfully and well. However subordinate your station, it is honorable if you dignify it by the application of your industry, and adorn it with the luster of your virtues.

> "Honor and shame from no condition rise,
> Act well your part, in that the honor lies."

There is no condition so subservient, none so exalted, as to be exempt from its responsibilities, which can no more be shunned with honor than the sentinel in the hour of danger can desert his post, or the monarch sacrifice the welfare of his people. Action is the watchword, and progress the destiny of man. The more strenuously you labor, the more you magnify your powers and exalt your station. No object in nature is so insignificant as to be without a function. And shall man, the grandest work of all, degenerate into the meanest; become a useless thing, where all was purposed to be useful, and mar the harmony of order by the discord of inaction? No! It were as easy to suspend the motion of a planet, without hurling it in ruin from its sphere, as for man without continuous effort to achieve his destiny. This truth has burst like a meteor upon the nations. It startles and illumines. Everywhere, through every channel, among every people, far and wide over the surface of this ponderous globe, are the claims of labor vindicated and ennobled. A stupendous exposition, convened in annual succession,

at London and New York, and Paris, has brought together, from every land, the industry, resources, and invention of the world.

There, at that grand high carnival of labor, the nations mingle in a common throng to bend the suppliant knee before its throne. Labor is king! The multitude are shaking off the sloth of ages. The song of labor hath more fascination than the strain the syren sung. This glorious millenium is working out redemption for mankind from the thrall of degradation and oppression. The Ishmaelite shall soon be rescued from the curse of Hagar's offspring. No longer shall the Tartar roam his boundless steppes inactive, nor the Arab prosecute his roving and nomadic life. The tawny Indian on the banks of the Euphrates, and the burnished Ethiop, shall burst the fetters of their mental bondage, and human nature everywhere, through all its ranks and ranges of condition, its varieties of hue and shade, its grades of elevation and debasement, its diversity of tribes and races, shall stand forth redeemed in the golden effulgence of that morn which is dawning on the world's long night of lethargy and error. For this grand consummation be it ours to strive with unremitting toil, and haply even we may have our names emblazoned on the scroll of fame.

MUNDUS.

BY JOSEPH W. WINANS.

Quid rides?—mutato nomine, de te fabula narratur.

When Juvenal forsook his pen;
That stern, satiric teacher
Left half untold the crimes of men—
The guilt of human nature.

From shores by Behring's waters wet,
To Ind's remotest nation,
A soulless, sordid, selfish set,
Make up Earth's population.

The troublous tribes of men will cease
From rapine, rage, and riot;
When Hyrcan tigers covet peace,
And Russian wolves are quiet.

Gigantic wrongs, long unrestrained,
Have grown completely chronic;
As Sardian herbs the features trained
Into a scowl sardonic.

War spreads its desolating glare
From columns densely serried;
Fierce as the flame that flashes where
Enceladus lies buried.

Intestine feuds, with horror rife,
Hold bloody saturnalia;
Till Freedom yields to Civil strife,
As Pompey to Pharsalia.

The code of morals that prevails
Amid the social chaos,
Would shame the conscious Paphian vales,
And flush the cheek of Laïs.

Unhallowed lust drew Villiers' sword—
And gallants still are ready
To hie from duel with the lord,
To duet with the lady.

Though Virtue, with bold deeds and words,
Strives good from ill to sever;
The poisoned robe of Nessus girds
Her generous endeavor.

'T would need a fancy quaint in style,
Yet gloomier than Dante's,
To paint the orgies that beguile
Our now-a-day Bacchantes.

Contention, schism, and turmoil,
Are everywhere in fashion;
For Geysers' springs less madly boil,
Than boiling human passion.

'T were easier task to curb misrule
From tyranny and duress,
Than change the rigid Zeno's school
To that of Epicurus.

Lean penury, by bloated wealth
Is rudely spurned and thwarted:
While Lazarus creeps on by stealth,
Proud Dives' nod is courted.

Corruption glimmers through the damp
Of pride, and place, and station;
Like false lights through the Dismal Swamp,
In fetid exhalation.

Midst revel, rout, and festal glee,
All manhood is forgotten;
As midst the train of Omphale
Great Hercules spun cotton.

The Car of State, through check and clog,
Glides with as free a motion,
As ships through the Sirbonian bog,
Or Pharoah's hosts through ocean.

Those waters in which statesmen slake
Their thirst for greed and glory,
Are fouler than the Stygian Lake,
Or Pontine Marsh of story.

How dearly valued matters not;
The friendships that we cherish—
False as the perjured Sinon's plot—
In disappointment perish.

Where faith and truth should greenly grow,
The heart yields, from its stubble,
Such harvests only as did flow
From England's South Sea Bubble.

Unstinted bounties still inspire
A gratitude as glowing,
As when fond Scylla slew her sire
To speed her dainty wooing.

More victims to the crime of Cain,
Give desperate solution,
Than graced the tumbril and the wain
Of Danton's revolution.

Like Joseph's brethren, brothers strive
The ties of blood to foster:
So once the mild Cambyses strove;
So strove the gentle Gloster.

A wanton age is "*Christian*" claimed,
By catachrese as glaring,
As erst the Fates were "*Sparers*" named,
Because they were unsparing.

What though a meed of fame is due
To Man's exalted mission;
The blandishments of sense subdue
His loftiest ambition.

Thus Babylon, with festive charms,
Entangled Alexander;
Thus Capuan arts, not Roman arms,
Made Hannibal surrender.

Pale Justice sits, in ermined state,
With not a stain upon her;
Impartial, and immaculate
As Jeffreys' spotless honor.

Without delay the Law moves on
To its completed issue:
Penelope thus nimbly spun
Her web of varied tissue.

While dissolute desires encroach
On habits more primeval;
What once was Noah's grave reproach,
Is now a sanctioned evil.

From farthest East to utmost West;
From dwarf to giant's stature,
Crime curdles in the human breast;
Vice venoms human nature.

GEORGE L. WOODS.

By Calvin B. McDonald.

Governor Woods is one of the most distinctive representative men in the rising commonwealth of Oregon. Indeed, he may be regarded as the most noted and conspicuous among the many really brilliant and able men who give character to that State, possessing that wonderful sorcery of speech which Nature bestows on but few of her children, and which can so easily advance its possessor to renown. Whatever be his other qualifications, Governor Woods is unquestionably the most eloquent orator now living in the Pacific States, and as such is entitled to a conspicuous place among the representative men of the nation.

George Lemuel Woods, the present Governor of Oregon, was born in Boone county, Missouri, July 30th, 1832. He is of Scottish descent, his ancestors having come over to this country in the latter part of the seventeenth century and settled in Virginia. His father was born in Kentucky; his mother in Tennessee: the former removed to Missouri, and settled there in 1808. The subject of these remarks is the second of four sons, two of whom are dead. He removed from Missouri to the Territory of Oregon in 1847, when only fifteen years old, and has resided there ever since, much of the time in what is known as Eastern Oregon, that portion of the State lying east of the Cascade mountains. In April, 1852, he was married,

and began life without means, relying wholly upon his own exertions; taking a homestead upon unimproved Government lands, which he cultivated by his own labor, building houses and barns, fencing and plowing, after the manner of settlers on the border.

In 1856, having determined to enter a different sphere in life, with a family to be supported, and only a limited common-school education, young Woods sold his property and entered school, intending to prepare himself for the study of the law, and continued his earnest and successful studies until his means were exhausted. Having thus prosecuted his preparatory studies under difficulties, he purchased a small law library; paid for it by working at a carpenter's bench during the day; and studied its contents by night, until ready to be admitted to practice. His success at the bar corresponded with his indomitable resolution, and he soon rose to distinction in his district.

In July, 1863, Gov. Woods' public life commenced by his appointment to the Judgeship of Wasco county, in which capacity he served a year with satisfaction to the community and honor to himself. In March, 1864, he was nominated on the Union Presidential Electoral ticket, and took an active part in that campaign, making known the remarkable powers as a popular orator and stump speaker which have since given him a national distinction. His boldness and eloquence of speech made him the particular mark for his political adversaries in that State, where election campaigns are conducted with great vigor and in the true Western style. In Oregon, opponents, whether candidates or campaigners, travel together, meet face to face, and discuss the issues from hand to hand, sometimes before vast throngs; and for that sort of discussion Woods was admirably prepared through his rapid flow of language, ready wit, and graceful conduct as a speaker. In that memorable campaign, the Democracy selected the Hon. Aaron E. Wait, late Chief Justice of the State, and a gentleman of commanding abilities, while the Union party chose the young and then unknown George L. Woods as their champion. The conflict was fierce and exciting, and Wait was vanquished at every encounter.

Two years after, Woods was appointed, by the President, Associate Justice of the Supreme Court of Idaho; but before the arrival of his commission, he was nominated for Governor by the Union State convention of Oregon. The opposing candidate on the Democratic side was the Hon. James L. Kelly, an old and experienced politician, and an eminent lawyer. Again young Woods had a foeman worthy of his steel; the struggle was the most exciting in the history of Oregon politics, and occurred just at the time of President Johnson's rupture with his party, and when the whole country was in a state of unusual excitement. The conflict between the rival champions was resolute and deadly beyond all precedent; but, as in the previous campaign, and notwithstanding the formidable character of his adversary, Woods was equal to the great occasion, discomfited his opponent at every turn, and was elected.

During the gubernatorial campaign in California, in 1867, the Republican State Central Committee invited Gov. Woods to come to their assistance; and although in feeble health, he responded at once, traveled and labored incessantly, making thirty speeches in thirty-five consecutive nights, of which twenty-six were in the open air and before immense audiences. His popularity was everywhere established; no public speaker in that State ever created greater enthusiasm, or won brighter laurels. His speech in the great Union Hall in San Francisco was considered one of the most excellent and powerful ever heard in that city. It is true that on account of an unfortunate division, his party was defeated; but it is believed that the enthusiasm created by the eloquent Oregonian, as much as any other cause, saved the Republican party of California from utter demoralization through division and disaster.

In the winter of 1868, at the solicitation of the Republican State Central Committees of New Hampshire and Connecticut, Gov. Woods went to the East and assisted in canvassing those States. His success and popularity were as great in classic New England as they had been in the distant west of Oregon and California. While

more than fifty of the most distinguished orators and stump-speakers of the nation took part in that exciting and desperate canvass, the leading journals of those States referred to the Oregonian as being the most eloquent and brilliant of them all; and through such grave testimony, and in the presence of such competition, it was there demonstrated that his fame and popularity are not things belonging only in the Far West.

In person, Gov. Woods is tall, graceful, and commanding, with a handsome, cheerful face, which is set off by a full, flowing beard, and manifesting the utmost mental activity. He is one of those positive and magnetic men who draw around them a great number of intimate and devoted friends, and possess about an equal mumber of very decided enemies; but, in his case, these last are the result of political antagonism. His political adversaries in Oregon regard him as their most dangerous and destructive foe, and on the other hand, his political friends consider him their most steadfast and indomitable champion, who never loses a battle. His manner of speaking is rapid, but distinct and impressive, never using long or high-sounding words or indulging in any extravagance or impropriety of metaphor. He seems to depend on the natural forces of ideas rather than upon the sonorousness of words; and although never written, unless by some very swift reporter at the time of their delivery, his speeches would be considered well adapted to the most refined of lecture-rooms. Although they may be at times insupportably severe, his remarks are never coarse or personally offensive. Perhaps no American orator is capable of a quicker or keener retort, but it is a cut from a rapier, rather than a stroke with a bludgeon. This peculiar style of political fence is one of Woods' strongest points, and is an essential of popular stump speaking in Oregon, where political meetings are actually debates before both sides, of the question, and where the orator is subject to frequent interruptions by his opponent or by some questioner in the audience. Such a thing as a set speech at a political meeting in that State would be one of the most grotesque of absurdities, and an orator with-

out presence of mind and the capacity to turn an unexpected question to good account, would be a gentleman to be pitied and a person suitable for immediate emigration. Notwithstanding his rapid utterance, and their sometimes great length, Woods' speeches cannot be called diffuse in style; on the contrary, they seem to be each an exhaustive argument—an oration complete in all its parts, with a beginning, a middle and an ending, and often containing passages of lofty and surprising beauty, but never extending to empty declamation or the transgression of rhetorical laws.

The writer of this has heard Gov. Woods many times both in California and Oregon, and is of opinion that as a popular orator, he is the most brilliant and effective now living in either of those States. As an orator, as a patriot, citizen, and man, he is entitled to a high place, not only among the representative men of the Pacific, but of the whole country. The distinction which he has attained under great disadvantages at home, he is capable of maintaing anywhere in the Republic; and if life and circumstances permit, his friends may hope to see him in a position as nationally distinctive as that is individual and distinguished which he now bears to his own State.

FRANK TILFORD.

BY THE EDITOR.

FRANK TILFORD is of Scotch-Irish descent, and a native of Lexington, Kentucky. In the year 1745, a remote ancestor, John Tilford, emigrated with his family from the North of Ireland and settled in the valley of the Shenandoah. The descendants of this family are now scattered through the Western States. They belong to that hardy race of pioneers, who, after driving the Indian tribes from their hunting grounds in the Mississippi Valley, laid well and deep in their wilderness homes the foundations of a free government.

In the spring of the year 1849, Frank Tilford, then twenty-seven years of age, with a small party of youthful adventurers, started overland for the Pacific. He arrived in California in August of that year, and from that time until now has resided on the Pacific coast.

In the early days of San Francisco, when the place was a Pueblo, Mr. Tilford was a member of the AYUNTAMIENTO, and in that capacity contributed largely and beneficially to the development of the future city. The cause of education received from him earnest attention, and to his exertions we owe the first endowment ever bestowed upon a public school in San Francisco. He endeavored, although ineffectually, to procure an appropriation of some of the public lands belonging to the corporation to the establishment of a College of the Pacific. Had the scheme succeeded, we might, years ago, have had on this coast a University richly endowed and ranking with the

noblest educational institutions of the land. At that time, unfortunately, a large majority of our people lived only for and in the immediate present; few either appreciated or cared for the magnificent future which awaited their adopted State; and the inevitable result of such indifference was the failure of all propositions of a public character, which did not promise a speedy remunerative return to the community.

In May, 1850, Mr. Tilford was elected Recorder, or Criminal Judge, of San Francisco. He held the position for one year. During his term of office, San Francisco was noted for the fierce controversies which prevailed in regard to the title and possession of the lands within her limits. These conflicts, commencing in acts of lawlessness, ended, too often, in sanguinary violence, and became, therefore, the subjects of investigation in the criminal courts. In all such cases the sympathies of the Judge were with the actual and honest occupant, and the law was administered to protect him against the aggressions of trespassers who sought to obtain possession without the shadow of legal title or equitable claim. The firm yet just course pursued by Recorder Tilford in these troublesome disputes, won for him the esteem and regard of all well-disposed citizens. His re-election to the same position, it was conceded, was certain, had he been a candidate. It so happened, however, that the Democratic party placed Judge Tilford before the people as their candidate for Mayor at the municipal election in April, 1851. The nomination was made against the earnest, openly-expressed wishes of the candidate, and finally accepted with great reluctance. The contest was animated, and rendered more interesting as being the first to occur in California on strict partisan issues. The Whig party, then, for the first time, organized, and under the leadership of T. Butler King, collector of the port, achieved the most brilliant, and almost the only victory, which ever rewarded its expiring efforts in California. The average majority against the Democratic ticket was not less than one thousand, while the candidate for the mayoralty was defeated by only four hundred votes.

Shortly after the election, Judge Tilford formed a law partnership with R. A. Lockwood and Edmund Randolph, two gentlemen of commanding abilities, now deceased. This firm instituted a suit which created intense and general excitement—Metcalf *vs.* Argenti and others—the *cause célebre* of that day. The plaintiff complained of a trespass committed by the defendants in entering his house and searching the premises. They (the defendants) were members of the Vigilance Committee of 1851. The whole case involved the legality and propriety of the action of the Committee. Plaintiff laid his damages at fifty thousand dollars. There were two trials of this cause, but the jury, on both occasions, were unable to agree upon a verdict.

In the summer of 1851, Judge Tilford visited Oregon and remained some five months in Portland, where he practiced law with considerable success. Feeling, at the end of that short period, that he was out of the pale of civilization—Oregon being but a dreary abiding place eighteen years ago—he returned to San Francisco early in 1852, and resumed the practice. He obtained a high reputation at the bar, but principally as a criminal lawyer.

From 1852 to 1856, during which time Judge Tilford was practicing law, the San Francisco bar numbered among its criminal lawyers, Col. Baker, Gov. Smith of Virginia, Bailie Peyton, Gov. Foote, Edward F. Marshall, Col. James, and Harry Byrne, now, as then, District Attorney of San Francisco.

In 1854, he was nominated by the Democracy for Judge of the Superior Court of San Francisco. In that year the Native American party first appeared in California as a distinct political organization. "Towering in its pride of place," it swept all before it and succeeded in electing every one of its nominees. The Whig party was crushed out of existence. The Democracy held together, and although defeated, were not demoralized.

In 1855, Judge Tilford received the compliment of the nomination, unanimously tendered him by the county convention of his party, for State Senator. He took the field against the enemy, before whose power he had fallen

the previous year, and at the fall election was chosen by a majority of twenty-five hundred votes.

The seventh session of the California legislature was one of unusual interest to the political parties of the State. The Native American party had been successful at the State election and returned a majority of the legislature. In the assembly they had the decided control, and in the senate, *one* majority. The first question which arose was in reference to a joint convention to elect a United States Senator to succeed Wm. M. Gwin, whose term had expired. The Democrats opposed the convention and favored the postponement of the election. Senator Tilford made the only speech on the Democratic side; taking the ground that the State election had turned on local and personal issues; was no just indication of the popular judgment, and that it would be impolitic, if not disastrous to the public interests, to place in the Senate of the United States the representative of a faction which had no national existence, and whose career was destined to a speedy termination. This speech was published in all the Democratic journals of the State, and was generally accepted as defining the attitude of the Democracy.

The vote was taken on the motion to indefinitely postpone the assembly resolution in favor of a joint convention, and the motion was carried—Hon. Wilson Flint acting with the Democratic members. The people of the State, at the election which took place in the fall of 1856, sustained the course pursued by a majority of the senate.

Another debate of a political character occurred in the senate, important as, in part, the cause and precursor of the fall of the Native American party in California. The assembly, in which that party had a large majority, as stated, had passed a resolution condemning the election of Hon. N. P. Banks to the position of Speaker of the House of Representatives at Washington, for the reason, as alleged, that he was "the exponent of sectional ideas and principles diametrically opposed to the spirit of the Constitution of the United States." When this resolution came to the senate, the Native American members,

after caucus held, unwilling to pass, yet hardly prepared to oppose, resolved on tabling it. The discussion which arose was the most interesting and exciting which, up to that period, had occurred in the California Legislature. Hawks, Senator from San Francisco, and the eloquent Ferguson of Sacramento, favored the tabling of the resolution. Senators Mandeville and Tilford urged its passage. The motion to table the resolution was carried by a clear vote; but in the discussion which preceded the final vote, were sown the seeds of the ultimate dissolution of the Native American party in the State. Upon the fall of that party, a large number transferred allegiance to the victorious enemy, while another very considerable element united with the National Republican party, then about organizing. The speech of Judge Tilford on this resolution was ordered to be published by the Democratic members of the legislature. A comparison will show that this speech embodied the views, in almost the identical language, afterwards set forth in the platform adopted by the convention which at Cincinnati nominated James Buchanan for the Presidency.

While a senator from San Francisco, Mr. Tilford was a member of the judiciary committee, and during the latter portion of his term was chairman of the same—a position which gave him considerable control in the passage and defeat of bills. No little credit is due to him for revising and preparing amendments to the criminal law of the State. He reported two bills for that prupose, which passed the senate, and, with some slight alteration from the assembly, became law. Among other features in these bills, whipping for *petit* larceny, and the death penalty at the discretion of the jury in cases of robbery and grand larceny, were abolished; the *attempt* to commit a crime was made punishable, and degrees in murder and other offences were introduced and defined. The views of the author of these measures were set forth in a speech on *crimes and punishments*, and the argument made that the *certainty*, not the *severity* of punishment, deterred from the commission of crimes. This speech was printed and extensively circulated, the leading ideas receiving the general approval of the press and bar.

Judge Tilford often recalls with pride his advocacy of a bill which became a law, to enable aliens to inherit real and personal estate as fully as native born citizens—a measure which, just in itself, has exercised a beneficial influence on the prosperity of the State. He also advocated, with zeal and deep interest, a confirmation of the celebrated Van Ness Ordinance by the legislature. The measure then failed, but in 1858 was adopted, and is now universally admitted to have been one of the most salutary measures ever passed by a California legislature.

To Horace Hawes, then a member of the assembly, is undoubtedly due the credit of the Consolidation Bill. It originated with him. Yet, when it came to the senate, it met with a violent opposition, and but for the cordial and active support which it received from Senators Tilford and Shaw, must have miscarried.

The property owners of San Francisco at that time will always gratefully remember the constant, persistent opposition which Mr. Tilford made to any and all schemes for the control by individuals or corporations of the harbor and water front of the city.

In 1856, Judge Tilford was a candidate before the Democratic State Convention for Congress. His opponent was the Hon. Charles L. Scott, who received the nomination by a small majority. The party in California was then divided into two very distinct elements—the chivalry, or Southern wing, and the more conservative portion, composed of men from all sections of the country and opposed to radicalism in any shape. Judge Tilford belonged to the latter division. The Federal office-holders acted generally with the chivalry wing; and gave an almost unanimous support to the successful candidate.

The Legislature which convened on the first Monday in January, 1857, was charged with the duty of electing two United States Senators, in place of Willliam M. Gwin and John B. Weller. The Hon. David C. Broderick was nominated by the Democratic caucus, and elected in joint convention, on the first ballot, to succeed John B. Weller. Judge Tilford was an active, zealous, untiring supporter of Mr. Broderick. He was selected to make the nomina-

tion, which he did, accompanying it with a speech which was published and warmly applauded by the friends of the new Senator.

In 1857, Judge Tilford received from the President the appointment of Naval Officer of the Port of San Francisco, which position he held for the full term of four years. This appointment was made in acknowledgment of the many and faithful services rendered by the appointee in behalf of his party.

Upon retiring from office, and on a final accounting with the Treasury Department, he received not only an acquittance, but an order for money found to be due him —a practical endorsement of double value.

During his stay in the Naval Office, he participated in every political canvass which occurred in the State.

When, in 1860, the memorable division took place in the ranks of the Democratic party resulting in the nomination of Stephen A. Douglas and John C. Breckenridge, Judge Tilford's earnest wish and efforts were for a reünion of the party in California. He endeavored to prevail upon the party leaders to present but one electoral ticket to the people. The candidates for presidential electors were to cast the vote of the State as a majority of the ballots they received might indicate the preference of the masses of the party. This plan failing, Judge Tilford then gave his support to Breckenridge. He canvassed the State with unflagging spirit, although his views did not entirely coincide with those of either wing of the party. He had always opposed *secession* as unconstitutional, wrong in theory and pernicious in practice. On the other hand, in common with a large number of the leading statesmen and journals of the North, he believed *coercion* a dangerous remedy, liable to terminate in the subversion of States' rights and the centralization of power—that, while the Federal government had the undoubted right to maintain and defend its own existence, imminent danger to popular liberty was to be apprehended from standing armies and military dictatorship. When it became apparent that an amicable adjustment of our national difficulties was impossible, that the issue was

to be presented to the arbitrament of the sword—he felt it his duty to sustain the government under which he lived and to which he owed allegiance.

In the same year, a committee was appointed by the San Francisco leaders of the Breckenridge branch of the Democracy, to prepare an Address to the people of the State, vindicating the course of the Baltimore Convention in nominating Breckenridge, and the claims of their candidate to popular support. This committee consisted of Hon. O. C. Pratt, since Judge of the 12th Judicial District, Hon. R. Augustus Thompson, formerly a member of Congress from Virginia, and Mr. Tilford. The address prepared and published by these gentlemen, set forth very ably and eloquently all the positions which the press and speakers of the Breckenridge wing afterwards sustained.

From 1861 to 1863, Judge Tilford was not engaged in the practice of his profession; and, although feeling a profound interest iu the events progressing in the Atlantic States, abstained from any active participation in politics.

In the fall of the latter year he removed to the then Territory of Nevada, and entered again on his professional labors.

In 1864, he was elected Superintendent of Public Instruction in Storey County, and acted in that capacity until the adoption of the State Constitution placed the control of the public schools in other hands. Shortly afterwards he was appointed City Attorney of Virginia City, and retained by a Board of Aldermen politically opposed to him. One incident in his career in Nevada is particularly worthy of mention. It occurred in the summer of 1864. In August of that year, a concerted and general uprising of the miners of the Virginia District took place, caused by an attempt to reduce their wages. Labor was suspended. Threats of violence were freely made against the Superintendent of the Gould & Curry mine. At one time there appeared serious danger of a wide destruction of property by the multitude. The procession, numbering three to four thousand strong, marched through the streets of Virginia, and finally as-

sembled in front of the International Hotel. At the earnest request of Mr. Stewart; now United States Senator, and other prominent citizens, Judge Tilford consented to address the exasperated crowd. His remarks were well-timed, well-received, and had a very happy effect. The people gradually dispersed, and the whole proceeding ended harmlessly.

In the spring of 1866, Mr. Tilford, feeling satisfied that there was no prospect of a revival of prosperity in Virginia City, sought a new and more promising locality.

At that time, the Excelsior Mining District, in Nevada county, California, engrossed a considerable share of public attention, and was believed to be one of the richest mineral regions on the Pacific Coast. He was then, and for some time past had been, largely interested in the mines of that section. Thither he removed in May, and opened a law office in the town of Meadow Lake, in connection with J. C. Foster, Esq. The district proved a runious failure. The character and peculiar formation of the ledges, the vast amount of rebellious sulphurets in the metalliferous lodes, and more than all, the length of the winter, which, in this mountainous region, extends over eight months, united to disappoint the expectations of thousands, who had invested their means in the mines of the locality. While residing at "Meadow Lake," Mr. Tilford edited the "*Sun*," an independent newspaper. He also prepared an elaborate description of the mines, and history of mining operations, in Excelsior; giving an account of the discovery, settlement, resources, scenery and prospects of this romantic section of country. This interesting narrative first appeared in Bean's Directory of Nevada county, (1866) and also, in a condensed form, in the California Scrap Book (1869). It is replete with valuable knowledge concerning an extensive and almost unknown region, (remarkable for its mineral richness as well as the beauty and grandeur of its scenery) and being written in very attractive style, will repay attentive perusal.

In the summer of 1866, the Democratic convention of Nevada county met at Grass Valley. Hearing that an

effort would be made to give him some place on the ticket, and having abandoned the field of politics, Judge Tilford addressed a letter to the convention, declining any nomination. The convention, however, aware of his popularity and abilities as a public speaker, unanimously nominated him for State Senator. At the urgent request of some of the most prominent Democrats of the county, he accepted the nomination. No one supposed his election was possible. Nevada county had been, and was still claimed as, the banner county of the Republican party. Mr. Lincoln's majority in 1864, was over twelve hundred. At the judicial election in 1865, the Republican nominee for Supreme Judge received one thousand majority. Judge Tilford entered the canvass, and addressed the people almost every night in the months of July and August, visiting nearly every town, village and mining camp in that populous county—from the summit of the Sierras where the reign of winter is unbroken, to the valleys where flowers are in continual bloom. His meetings were large—the people never stayed at home when Tilford was announced to speak. His political enemies confess, that, in the conduct of this campaign, he made the most gallant fight ever witnessed in Nevada county, while his friends were enthusiastic in their expressions of admiration. His opponent was Hon. E. W. Roberts, who, on the official count, was shown to be elected by a majority of *ninety-one* out of a total vote exceeding *five thousand.*

When the legislature met at Sacramento in December, 1867, Judge Tilford's name was brought forward by many of his friends as a candidate for United States Senator, and submitted to the Democratic legislative caucus. The universal esteem in which he was held by the people of his county was shown in the fact that, before the Democratic caucus had agreed upon a candidate for Senator, all the Democratic and Republican papers of Nevada county advocated his nomination and election.

In November, 1867, he returned to his first home on the Pacific Coast, San Francisco, where he formed a partnership with Tully R. Wise, formerly United States District Attorney, and applied himself diligently to his

profession. In the Presidential election of 1868, he supported Seymour and Blair. He retains firmly the principles cherished through his entire political career.

Judge Tilford occupied a prominent place in the gifted band of orators whose appeals were wont, in the olden times, to thrill and electrify the hearts of the multitude; whose contests have become famous and whose achievements have passed into the history of the State. The voices of BAKER, FERGUSON, HAWKS and GRIFFITH, in life so eloquent, have long been hushed. Tilford remains among the few who not only witnessed their triumphs, but gathered laurels with them on the field of debate. He often recurs, with proud emotion, to his old companionship with those gallant spirits. As a political debater and popular speaker he has few equals in California. His prepared addresses to literary and benevolent associations, of which he has delivered many, are ripe and artistic productions. His command of language is remarkable and he is always effective in addressing a jury.

At this time Mr. Tilford is in the White Pine district, actively, and we trust, profitably, engaged in conducting litigation. His home is, however, still in San Francisco, and thither he expects, at no distant day, to return and spend the remainder of his life.

Frank Tilford has retired from the political arena. The conflicts of party and the contests of politicians possess no attractions for him. Hereafter, he will devote his talents and energies to professional pursuits, which, if less exciting, are in their results more satisfactory than the toils or triumphs of a partisan. In one respect he has been ever consistent, and to one aspiration always true—his devotion to the advancement, and confidence in the grand destinies, of the Pacific Coast.

A glorious commonwealth of States, extending along the shores of the Pacific, from the Arctic circle to Panama, united by a common interest, with free institutions, a homogeneous population, and in the enjoyment of a degree of prosperity unparalleled in history, is now, and has been for the last twenty years, the cherished hope and day-dream of his existence.

Oration by F. Tilford,

At the Metropolitan Theatre, San Francisco, March 17th, 1863, on the History, Resources and Genius of Ireland.

More than fourteen centuries have passed since the Saint whose venerated memory endears to our hearts the day we celebrate, carried the Cross of our Redeemer to the shores of Ireland. Never had heaven ordained a nobler Apostle, or sublimer mission. Thirty years before, the Saint had escaped by flight from servitude in the Island he was now revisiting. He returns to the scene of his youthful captivity, with no recollection of wrongs unavenged—with no purpose of signalizing by fire and sword the triumphs of a Conqueror. No martial music awakens the echoes of the lonely coast—no army with banners salute him as their Chieftain—no retinue of steel-clad warriors draw their glittering blades at his command. Twenty men, eminent for their wisdom and sanctity, and armed only with the insignia of their priestly office, accompanied the holy man. Attended by these faithful disciples, and inspired by the power which had so often illumined his spirit in the sleepless vigils of the night, the Apostle of God went forth with unfaltering step, to encounter the Pagan host. The contest was soon decided: nor was the result doubtful. Wherever the voice of the Sainted Sage was heard, the temples of Idolatry were deserted, and their priests fled in dismay from the ensanguined altars. It is not my purpose to comment on the life of the Apostle; learned divines have already on this day, and on other occasions, eloquently performed that duty. Permit me, however, to dwell for a moment on one trait in the character of the revolution that St. Patrick inaugurated, which excites our special wonder, and deserves to be inscribed in golden letters on the pages of the world's history. It is the truth that during his entire mission, from the day he arrived in Leinster until the hour of his death, more than sixty years afterwards, not a life was sacrificed, nor a pang inflicted, to secure the imperishable, yet peaceful victories of the Cross. For thirteen centuries the Irish people have observed this day as a national anniversary. At the present hour the representatives of that race, in almost every country on the inhabitable globe, are celebrating the occasion with solemn rites or joyous festivities.

On the banks of the Shannon, in the mines of Australia, amid the orange groves of the Tropics, in the ruined cities of the Orient, and under the shade of the primeval forests which fringe the waters of the Mississippi, thousands of eyes will beam with rapture as they behold unfurled to the breeze, and radiant in the bright light of heaven, that symbol of nationality and emblem of freedom, the ancient banner of the "Harp and Sunburst." Thousands of gen-

erous hearts will throb with exultation, as they recall the glorious memories of the Emerald Isle; memories, musical and immortal as the leaves of the Tooba tree which blooms only in the garden of Paradise, and "whose scent is the breath of eternity." The history of Ireland!—the very words awaken feelings unutterable in the heart of the exile. What intellect can do justice to the theme? As the rainbow is formed by the tears of the clouds and the rays of the sun, so are the annals of Erin colored and varied; now by the tears of sorrow, now by the flashes of wit and sunshine of joy.

But we have assembled not merely to please the imagination with visions of national renown, or glowing images of a cloudless future. Reality and truth exact other duties. The occasion irresistibly suggests to the reflective mind, thoughts and inquiries of a more serious character. Ireland was once not only independent, but one of the most powerful governments of Europe. Will she regain her ancient position? History teaches the melancholy truth that nations often rise like stars on the horizon of time, glitter awhile in the zenith of their glory, pass away and disappear in the gloom of darkling centuries. On the shores and in the deserts of Asia, and amid the forests of America, empires have flourished whose names have perished from the earth, and whose tombs are the only monuments which the hand of remorseless time has spared. The renown of Greece and Rome survives only in the pages of the historian. Florence, Venice and Genoa, were once gems in the diadem of modern Europe; they are now subjugated dependencies of Austria. Is Ireland doomed to be the Pleiad lost among the nations of our era? Canada, Australia, and the West Indies have their colonial parliaments, are exempt from Imperial taxes, and independent in all but the name; while Ireland is a province of England—a mere appendage of the British crown. Regarding alone her present situation, it is difficult to realize that she has been a Kingdom, potent in arms and munificently endowed with all the elements of national prosperity. Yet it is true, that during the first twelve centuries of the Christian era, the Island was famous throughout the civilized world, for its treasures of gold and silver, its manufactures, institutions of learning, and advancements in the arts and sciences. In the sixth century, missionaries from Ireland traversed France, Switzerland and Germany, establishing churches and monasteries in every country they visited. When the legions of Rome carried the standard of the empire in triumph from the Euphrates to the Atlantic, and from the Mediterranean to the North Sea, the land of Erin maintained its liberties, and alone defied the armies of Cæsar and his successors. In the tenth century, while the remainder of Europe was enveloped in a night of profound ignorance, the Island was regarded and has been happily styled, "A beacon of learning in the West." Without pausing at present to investigate the causes which have reduced a brave and chivalrous people to a condition of vassalage, let us inquire: Has Ireland the resources, physical, moral and intellectual, to support in this age the rank of an independent nation? In the first place, her insular

position is no ordinary advantage for defensive purposes. England in her wars with various Continental Powers, for the last four hundred years, has experienced the benefit of this isolation. The Atlantic, as a barrier of defense between the States of America and the sovereignties of Europe, is worth to the former, millions of bayonets. The population of Ireland, twenty years ago, was some eight millions, two hundred thousand souls; and this number, (since reduced by emigration and other causes) we may reasonably assume she can always maintain. The Island contains an area of thirty-five thousand, five hundred and twelve square miles; of which there are fourteen millions, five hundred thousand acres of excellent arable land. The fruits and cereals of the temperate zone reward the labors of the husbandman more certainly and plenteously than in any other country on the Eastern Hemisphere. The fertility of the soil, like the beauty of the scenery, is proverbial, and has won for the Emerald Isle the proud appellation of the Eden of the west of Europe. Extensive coal formations abound in each of the four provinces. Mines of lead, copper, and iron—indeed, of all the metals required in manufactures and the useful arts—are found in almost every part of the Island. More than a hundred streams, rising in the mountains of the interior, intersect the land, expanding at places into magnificent lakes, enriching the soil by annual overflows, and affording an amount of power for manufacturing purposes greater than that of England and Scotland combined. Beneficent nature has completed her favors to Ireland, by bestowing on it a mild and salubrious climate; the vapory winds from the Atlantic, the music of whose surging billows forever resounds from its shores, temper equally the vigor of winter, and the fervor of the summer solstice: so many and varied are the resources of this favored land, that it would require hours to recite them. The view suggested is all that the occasion permits. Other nations, with material advantages incomparably less, have achieved independence, and an honorable name among the powers of the earth. In our own age Belgium has separated from Holland; Greece has been rescued from the Ottoman Empire; Mexico and the States of South America have carved with their swords the way to freedom. Portugal, in the sixteenth century, was for a time subjugated by Spain: a few determined spirits at Lisbon initiated a revolt which overthrew the Spanish domination, and secured the liberties of their country. Switzerland, with less than half the territory of Ireland, with no treasures and without an army, valiantly and successfuly warred with Austria for her independence. In vain the Imperial hordes invaded the indomitable Cantons: swifter than the mountain torrent leaps to the plains; more terrible than the Alpine avalanche; the brave Swiss dashed upon the legions of tyranny and drove them, reeling and shattered, from the sacred soil of Switzerland. Noble Switzerland! home of Tell: land of song, of art, and literature: the spirit of liberty reigns amid the snows of thy eternal glaciers, and looks down with brow serene, and undaunted eye, on the frowning despotisms which surround her. With ex-

amples so encouraging, why need we despair of the ultimate destiny of Ireland? With means so ample at her command, what shall prevent her from assuming that proud station among the powers of the world, which she held for more than a thousand years, under her ancient monarchs? It may be asked, has the spirit of her people declined? have ages of oppression withered the energy, talent, and indomitable valor of former days? Lord Bacon wisely observes: "Walled towns, stored arsenals and armories, goodly races of horses, chariots of war, elephants, ordnance, artillery, and the like; all this is but a sheep in the lion's skin, except the breed and disposition of the people be stout and warlike." No one familiar with the annals and literature of Ireland for the last two centuries; no one who has followed, by the light of impartial history, the course of her people since their dispersion over the earth, can doubt the moral worth or intellectual vigor of her sons and daughters, their love of country, and devotion to freedom. No one can doubt that, animated by such principles, they are capable of performing deeds of heroic daring, and of suffering with uncomplaining fortitude all the ills of life, or terrors of death. There are many who affect to believe the heartless sentiment of a celebrated writer, that "Nations deserve their fate whatever it may be"; who regard all errors as crimes, and any misfortune as the just sequence of our actions. Arguments are of no avail with such casuists.

Let all who delight to trace the character of a nation in the qualities of its popular leaders—and human wisdom has devised no safer rule of judgment—dwell for a moment on the lives of some of the illustrious men, who by their actions or writings have reflected an ineffaceable lustre on the Irish name. Summoned by memory's magical wand, they appear in procession before us, not as the shadowy pageant of a dream, but like unto men with earnest, living souls. They speak, they move again upon the stage of their glory. Their words of matchless eloquence ring in the deep chambers of our hearts, and their immortal deeds thrill with ecstacy the life-currents as they course through our veins. First is Dean Swift—

> "Swift, the wonder of his age—:
> Statesman, yet patriot; priest, yet sage."

The eccentric satirist, the dreaded wit, of Queen Anne's reign, although false to his "Stella," is always true to his native land. There, too, is Sterne, one of the most sublime and pathetic of writers; and here Steele, the friend of Addison, and famous as an essayist in a period justly denominated the Augustan era of English literature. Near them is Goldsmith, the sweetest poet of his or any age—in whose *Deserted Village* breathes the very soul of poetry, and whose inimitable *Vicar of Wakefield* has been translated into all the languages of modern Europe. Burke, with his thoughtful eye, and majestic person, approaches. He discourses on the "Sublime and Beautiful," or peradventure, lifting the veil

which conceals the future from our vision, points to the Colonies on the distant shores of America, and predicts that ere another century has elapsed, they will rise into mighty Republics. Sir Philip Francis draws nigh; he holds in his hand a pen bright as the spear of Ithuriel, and although his face is masked and averted, we hail him as the scourge of tyrants—the undoubted author of the "Letters of Junius." Here, too, is Moore, over whose natal hour the Genii of Erin presided. His immortal harp is bedecked with roses, and at his touch, pours on the enchanted air all the melodies of his native Isle. The poet, through every vicissitude of life, was devoted to the liberty and glory of Ireland. He never forgot or deserted her. His own beautiful lines will apply to himself—

"Land of song! said the warrior bard,
Though all the world betrays her;
One sword at least thy rights shall guard,
One faithful harp shall praise thee."

And now Sheridan is before us—ill fated son of genius; the companion of nobles yet the friend of the people. Ages may expire before the world shall feel again the ardent glow of an intellect as brilliant and versatile as that of Richard Brinsley Sheridan.

We stand at last in the august presence of Henry Grattan, the peerless orator and inflexible patriot. While in the prime of life, he aided, by his commanding intellect and overpowering eloquence, to achieve the independence of his native land; but alas, the days of her freedom were evanescent, and his eyes, dimmed with age and sorrow, were doomed to witness the passage of the misnamed "Act of Union," a measure which sullied the honor of England, and wrested from Ireland her natural and inherent rights. Even in that hour of a nation's anguish, when gloom shrouded all hearts, his words were redolent of hope and encouragement. In his last and noblest speech in the Irish House of Commons, we read these memorable words: "Liberty may repair her golden beams, and with redoubled heart, animate the country. * * * I do not give up the country; I see her in a swoon, but she is not dead. Though in her tomb she lies, helpless and motionless, still, there is on her lips a spirit of life, and on her cheek a glow of beautv.

"Thou art not conquered; beauty's ensign yet,
Is crimson on thy lips and in thy cheek,
And death's pale flag is not advanced there."

"While a plank of the vessel sticks together I will not leave her. Let the courtier present his flimsy sail, and carry the light barque of his faith with every new breath of wind; I will remain anchored here, with fidelity to the fortunes of my country, faithful to her freedom, faithful to her fall." After Grattan, appear Flood, Curran, Phillips, Sheil, amidst a host of illustrious intellects celebrated as orators, statesmen, or jurists, distinguished in the various arts and sciences. But happier, if not greater than these—than all who preceded him—arises before us the world-renowned Liberator, Daniel

O'Connell. Viewed after this interval of time, and at a place so remote from the scene where they occurred, the incidents of his life bear the semblance of romance, rather than realities of historical truth. He was descended from a Sept which, for six centuries, had opposed on the field, and in the council, the oppression of England. His name and lineage consecrated him to his country's service. From the year seventeen hundred and ninety-nine, until death terminated his labors and canonized his memory, O'Connell led the vanguard of patriots who had dedicated their lives and fortunes to the accomplishment of Irish independence and Catholic emancipation. It would require hours to unfold the record of his speeches and triumphs. His heart knew not what it was to fear or to despond, and his career was fortunate, as his disposition was happy. He enjoyed the felicity, rarely allotted to the Reformers of any age, of living to see the fruition of many of his labors, and hearing, in the approving voice of his contemporaries, the "All Hail" of generations yet unborn. His highest eulogium is expressed in the truthful words, that for whatever measure of liberty or prosperity Ireland this day enjoys, she is more indebted to Daniel O'Connell than to any other man, living or dead. But, alas! in this procession of orators, poets, heroes, and sages, we behold one whose tragic fate has been the theme of song and eloquence in every clime. Beneath an uninscribed tomb, in the lonely and deserted church of St. Michael, reposes the noblest martyr that ever perished in Freedom's cause—Robert Emmet. We review the story of his life with melancholy pleasure. Emmet, when only twenty-four years of age, visited France as the agent of the Society of United Irishmen. Napoleon, then first Consul of the Republic, was in the meridian of his fame. No reverses had obscured the glory of Arcola and Marengo, and fate had cast no ominous shadow on the pathway of the "Liberator of Italy." The advocates of liberty naturally regarded him as their friend and the protector of their cause. Emmet had an interview with the first Consul. What was the purport of the conference has never been known, but we may imagine the scene. We see Napoleon, as he turns to the young enthusiast his marble brow, and bends on him his deep and unfathomable eyes. We see Emmet as he unrolls the map of Ireland, and indicates the points of attack or defence. We hear the low, earnest tones of his musical voice, when he assures the ruler of France that a million of enslaved men in Ireland await with fiery impatience the signal of revolt; they want from France arms—only arms—give them weapons, and they will trust to God and their own good swords for deliverance. His face is resplendent with enthusiasm, as he foretells the future of his beloved country; her ancient liberties regained; her arts and commerce revived; the grateful ally of France; the unrelenting foe to England's aggressions.

A year has rolled away, and the scene changes from a palace to a prison. The insurrection of the fatal and ever-memorable night of the twenty-third of July had failed, and no ray of hope illumined the darkness of despotism. He, who only a few months ago was the

honored visitor of the Republican Court of France, is now the inmate of a narrow cell, by the world forsaken, and with no other companion than his watchful guards. It is night, and the prison lamp sheds a dubious gleam through the dungeon. On the pale, thoughtful face of the captive is the impress of deep, varying emotions. Of what does the doomed man dream? Is it of the home and associates of his boyhood's careless hours, of the green meadows which he shall never more behold; of the mountain lakes, on whose shores he has so often gathered the wild flowers of his native land; of the rivers whose murmuring music shall never again enchant his ear? or is it of his approaching trial, and the gloomy shadows that lie beyond? Far different is the subject of his thoughts. On the little table before him is a lock of braided hair, the gift of one on whom he had lavished the affection of his generous nature; of one who never deserted him in the darkest period of his adversity; and whose heart, in after years like a crystal stream, mirrored her young hero's image. He had prized the gift in happier days; and now he treasured it as the last relic of a love, pure and radiant as the light of the morning star. The trial of EMMET; the vindictive temper of Lord Norbury, the judge who presided over the court; the eloquent defence of the prisoner, and his more than Spartan firmness; form an instructive page in the history of Ireland. He was condemned. His youth, his genius, and the moral sublimity of his character, were unavailing to alter the stern resolve of the government. The sanguinary policy of England demanded a noble victim; and the sacrifice was decreed. He died on the scaffold in the twenty-fifth year of his age. Calm and unmoved, his heroic soul passed from time to eternity—from earth to heaven.

"Tis come—his hour of martyrdom
In freedom's sacred cause is come;
And though his life hath passed away,
Like lightning on a stormy day,
Yet shall his death-hour leave a track
Of glory permanent and bright,
To which the brave of aftertimes,
The suffering brave, shall long look back
With proud regret, and by its light
Watch through the hours of slavery's night
For vengeance on the oppressor's crimes."

The record of distinguished personages who have illustrated the name and character of Ireland, is not confined to the British Empire. The race of Erin has been scattered over the globe, and almost every country of the civilized world has profited by its labor, energy and talent. All the nations of modern Europe will attest the fact. Our own country has been in a preëminent degree the theatre on which natives of Ireland and their descendants have exhibited some of the noblest qualities of humanity. In the revolutionary war no class of our citizens was more active, or made greater sacrifices of fortune and life. Seven of the fifty-six signers of

the Declaration of Independence were of Irish origin; among them Charles Carroll of Carrollton. The names of at least two Irishmen of revolutionary memory are entitled to the veneration of all who claim any share in the inheritance of American liberty. One of them is Richard Montgomery, the protomartyr of the war of independence. When hostilities commenced he was in the vigor of manhood, in affluence, dwelling in a home embellished with all the luxuries of wealth and refinement of taste, and endeared to him through the tenderest affections. He sacrificed every enjoyment at the summons of his adopted country. As you are aware, Montgomery commanded a division of the American army in the attack on Quebec, the last night of the year seventeen hundred and seventy-five. The scene must have been grand and awe-inspiring. The frozen river, rocks and trees were draped in a snowy mantle; dense clouds enveloped the sky; the wind sighed like a funeral dirge through the leafless forest—nature's lament for the gallant men who were marching with firm step to inevitable death. By daylight Montgomery's division reached a height known as Diamond Point, and here the engagement commenced. At the first discharge of the enemy's guns Montgomery fell, mortally wounded. Several hours afterwards a party of English soldiers found the dead body of the American commander. The unconquerable spirit of the hero was manifested in death, for his frozen hand still grasped the sword, and pointed towards the fortress of Quebec. Forty years after his death Montgomery's remains were interred in Trinity Church, New York. The highest honors, civil and military, were rendered to his memory, but his noblest elegy is found in the record of his death.

Another man of the revolution is entitled to our especial admiration—Commodore John Barry, a native of county Wexford, Ireland. He commanded the first vessel of war that ever sailed under the United States flag, and has been styled the "Tartar of the American Navy." Volumes could not speak more in his praise than is contained in one incident of his career. Lord Howe endeavored to entice him from his allegiance to the United States, by the offer of an immense bribe in money, and a command of a British ship of the line. His answer was in these words: "Sir, I have devoted myself to the cause of my country, and not the value or command of the whole British fleet can seduce me from it." A noble sentiment; and the man who uttered it deserves a lofty niche in the Pantheon of History.

Permit only a single additional allusion to an American citizen of Irish extraction. He was a young and humble soldier of the revolution. In the second war of independence his sword flashed in victory upon the plains of Chalmette. His tomb in the peaceful shade of the Hermitage, has become the Mecca of American pilgrims. In future ages, when monuments shall be erected to the memory of heroes who loved and served their country, on the tallest column will be inscribed the simple and unadorned, yet resistless, name of "ANDREW JACKSON." The Irish as a people, have

been remarkable from the earliest period for their aptitude as soldiers. The impulsive ardor and quickness of intellect which they exhibit in the social relations of life, eminently fit them to learn the arts and discipline of war, and impel them onward in the hour of strife with fervent and irrepressible zeal. Does not history confirm the truth of the assertion? After the treaty of Limerick, in sixteen hundred and ninety-one, the gallant Sarsfield and some four thousand of his companions, despairing of liberty in their native land, migrated to other countries in Europe. The exodus continued during the eighteenth century. Nearly all these exiles adopted a military career, and were formed into regiments and brigades under Irish commanders. They performed prodigies of valor in the armies of Austria, France and Prussia.

A learned historian who wrote in the last century, estimates the number of Irishmen that have died in the military service of France at six hundred thousand. When Maria Theresa, Queen of Hungary, instituted fifty crosses of the legion to be given to men who should most distinguish themselves in her wars, forty-six were won and worn by natives of Ireland. At the battle of Fontenoy in seventeen hundred and forty-five, the ready sagacity of an Irish general, seconded by the gallantry of his troops, secured a magnificent triumph for the House of Bourbon, and saved from subjugation the country of his adoption. Within the last fifty years, the soldiers of the Emerald Isle have inscribed the renown of their prowess and resistless courage on the plains of Waterloo and the crumbling walls of Sebastopol.

We have now traversed a wide track of history, and glanced at some of the prominent events and illustrious names that are radiant links in the chain which unites the sad yet glorious past to the living present of Ireland. Nearly all the persons mentioned sprang from the ranks of the people, and may be deemed representative men of the day and generation in which they lived. In their respective careers we trace much of the genius and weakness, errors and virtues, of the Irish character. Universal experience teaches us the lesson that we must judge of a nation by the qualities of its popular leaders. Thus France, in the last seventy-five years, has experienced the throes of three great revolutions, and the ruling spirits who conducted the several movements differ not more widely, than did the temper and intelligence of the French at the date of these revolutions. In Robespierre, Danton, Leinthon, and Murat, we have types of the fierce and sanguinary disposition of the French populace toward the close of the eighteenth century; while in Lafayette, and his compeers in eighteen hundred and thirty, and still later in Cavaignac and Lamartine, we have representatives of the higher intelligence and purer morality of the same nation. How many centuries must elapse before Russia will produce a Goldsmith, a Sheridan, a Burke, or an Emmet? Certainly the Irish, as a people, are not imbued with the qualities—sordid virtues, if the term may be allowed—of a purely trading community. A prudent regard for the accumulation

of wealth and worldly wisdom are not among their distinguishing traits; but in the absence of such qualities, we find piety, hospitality, charity for the afflicted, love of country, devotion to liberty, a contempt for death, and fidelity to their moral and honorable obligations, at every place and in all classes in Ireland. These are the virtues which a Cato or Lycurgus would cherish in a race, and constitute the basis of independence and a grand nationality. A country may be rich in mines of gold and silver—in all the treasures of earth and sea; its navies may ride the billows of every ocean from the polar circles to the equator; iron-clad citadels and immense armies protect its frontiers; yet, unless the noble qualities, the more exalted virtues we have recited, enter into and form the national character, it can never preserve liberty and tranquillity at home, enjoy an enduring prosperity, or repel the aggressions of mere warlike nations.

But why comment further on the elements of Irish character? You who have sprung from, or resided amongst the noble peasantry of the Emerald Isle, and all in whose veins there is a drop of Milesian blood, must feel that in their inmost hearts are altars where live the glowing embers of the sacred flame which has shed the halo of an immortal renown on the pathways of Erin. We have seen that Ireland possesses an ample population and all the physical resources needed to maintain the rank of an independent government. History demonstrates that her people are endowed with a degree of capacity, intelligence and virtue that will compare favorably with any nation of ancient or modern times. One question alone remains for consideration—have the people of Ireland ever surrendered to the English Government their natural and inherent rights, or have they committed any act whereby they justly forfeited their claim to nationality? The advocates of Irish independence base their arguments upon a platform of indisputable facts. They point to the Declaration of Independence made by the Irish House of Commons on the 16th of April, 1782, and ratified the same year by the King and Parliament of Great Britain. They ask when and where did Ireland surrender that Magna Charta of her freedom, or relinquish to England the privileges acknowledged and secured by it?

It is a proud satisfaction to review the circumstances which preceded and attended the Act of Independence. England was engaged in a war with Spain and France; the fleets of the latter power infested the channel and seas which surround the British coast. The result of the American war had not only wrested from England the fairer portion of her domains in the New World, but had seriously impaired the prestige of her ancient military renown. The debt of the Empire had been largely augmented, its resources diminished, and taxes of every description ruinously multiplied. Everywhere in the British dominions was a restless and rebelious spirit which boded evil to the trembling house of Hanover. This was the hour of England's necessity—and here was Ireland's opportunity. The people of Ireland instantly seized upon the occasion. Never did a nation exhibit a more determined zeal in the cause of

Liberty. The streets of the Metropolis presented a truly gorgeous appearance on the day which witnessed the Declaration of Irish Independence. Learned societies and civil associations, with banners and suitable devices, marched along the principal avenues to assemble in compact array before the Hall of the National Assembly; Battalions of the Irish volunteers, splendidly armed and uniformed, escorted the civil procession. The Reverend Clergy, Protestant and Catholic, walked in the ranks of the people, and hallowed the occasion with prayers and benedictions. A sublime scene was presented in the House of Commons. An immense gallery, supported by Tuscan pillars, surrounded the Chamber. Here was gathered the *elite* of the beauty and chivalry of Ireland. In the rotunda, below, the representatives of the Kingdom were assembled. It was a solemn hour in the life-time of a nation. A step was to be taken towards freedom. An act was meditated, which if resisted by the Government, entailed on the land all the horrors of war. In success there was permanent glory; in failure irretrievable disaster. The illustrious Grattan was by general consent the leader of the patriots. After an oration which has been pronounced the most luminous, brilliant and effective ever delivered in an Irish assembly, he concluded by moving in the address to the King, a declaration to the effect that Ireland could be bound only by laws enacted by an Irish Parliament. It was carried without a dissenting voice, and ratified the same year by the English Government. In the first month of the subsequent year, the Imperial Parliament, in order to remove all doubt on the subject, enacted a statute whereby it was solemnly declared: "The right claimed by the people of Ireland to be bound only by the laws enacted by his Majesty and Parliament of Ireland, in all cases whatever, shall be, and is hereby declared to be, established and ascertained forever, and shall at no time hereafter be questioned, or questionable."

We percieve in these measures all the essential elements of a treaty, a compact between distinct and sovereign nations, an act by which England recognized the independence of Ireland, and renounced forever all Legislative pretension. For eighteen years after the passage of this celebrated measure, the Island enjoyed an interval of tranquillity, liberty and prosperity. But, alas! the days of Erin's happiness were numbered. This repose was only the treacherous calm that precedes the tempest—the unnatural sleep which ends in final dissolution. The Imperial Government, under the administration of William Pitt, had resolved to subvert the liberties and destroy the nationality of Ireland. The awakened cultivation, growing manufactures, and expanding trade of Ireland, competed too successfully with similar pursuits in England. Lord Cornwallis was then Viceroy, and Lord Castlereagh, afterwards Marquis of Londonderry, Secretary of State for Ireland. Cornwallis was noted only as a courageous, but unsuccessful soldier, who had command in America and the East Indies; Castlereagh distinguished as a man of commanding presence and seductive address, with a consummate talent for intrigue and diplomacy. Such were

the men whom the English Minister selected to devise means for the subversion of Irish Independence. Their vocation was the same, but on the award of impartial history the infamy of one far exceeds any odium which may be attached to the other. The Lord Lieutenant was a native of England, and naturally regarded the interest of that Kingdom and the wishes of "Majesty," as paramount considerations. Then, too, as a soldier, his first duty was obedience to the orders of his government. But for Castlereagh, charity can devise no apology. He was a native of the Island, had been a patriot, was a nobleman whose wealth placed him above all sordid temptation, and whose ancestral honors identified him with the glory and liberties of his country. Wickedly, deliberately, and with a resolution which never faltered, Castlereagh labored to subvert the freedom of Ireland. He succeeded! Yet a signal retribution awaited him even in this life. In after years, conscience harrowed his soul and allowed him no repose. In parliament, at the banquet, in the Court, amid scenes of splendor and gayety, spectres of his murdered victims pursued the wretch; in his slumbers he heard the curses of the country he betrayed, and a voice bade him, like the tyrant of Scotland, "sleep no more." The means which the Lord Lieutenant and his Secretary adopted to effect the passage through the Irish Parliament of the "Act of Union," were just such as might have been expected, and are familiar to all who have studied the annals of that period. Intimidation and bribery constituted their entire system. The first was intended for the nation at large. In pursuance of the project, the standing army was suddenly increased from fifty thousand to one hundred and seventy thousand men. A reign of terror was inaugurated on the ruins of constitutional liberty. The writ of *habeas corpus* was suspended, and martial law declared at the pleasure of the Lord Lieutenant; public meetings were often dispersed at the point of the bayonet; persons were arrested without judgment of court or process of law, and incarcerated in loathsome dungeons until death released them, or the caprice of their tyrants opened their prison gates. An army of informers and spies, issuing from the Vice Royal Palace in Dublin, swarmed through the land, and diffused over all circles of society an atmosphere of dread and suspicion. We learn that during two years which immediately preceded, and in the course of the six years subsequent to the "Act of Union," more than one hundred thousand persons, accused of political offences, died in prison and upon the scaffold, or were transported in convict ships to the penal settlement of Australia. We shudder at the excesses of revolutionary France; we mourn over the fallen liberties of Poland; we execrate the cruelties of Austria to the States of Italy and Hungary; but we forget that in our own age the government of his most Christian Majesty, George III inflicted on the people of Ireland atrocities beside which the cruelties of Russia and Austria appear like gracious deeds of mercy. While armed force was used to overawe the popular mind, and coerce the nation into submission, the subtle arts of corruption were applied to the nobles

and the Irish House of Commons. Immense sums of money, ranging from ten thousand to twenty thousand pounds sterling, were paid for the vote of a single borough in Parliament. Of the one hundred and eighty members who voted in the House for the Union, history has perpetuated the names of more than one hundred and forty who were bribed, and the price which each received for the desertion of his God, the betrayal of his country, and the sacrifice of his honor. The act to establish a "Legislative Union between Great Britain and Ireland," was adopted. By the passage of it, the *Magna Charta* of Irish liberty was annulled, the independence of the nation was abrogated, and the entire legislation of the Kingdom transferred to the Parliament at Westminister. No impartial reasoner will contend that a statute wrested by intimidation and fraud from a reluctant nation, carries with it any moral sanction. It is a principle of jurisprudence, acknowledged by the law of nations and maintained in the municipal code of every enlightened people, that fraud or violence annuls all obligations; their taint, like the touch of the leper, is mortal and incurable. From the day of its passage until the present hour, Ireland has never forgotten the means that were employed to procure the "Union," nor abated her opposition to the measure. The cherished ambition of O'Connell's heart was to repeal it. Russell and Emmet sacrificed their lives to destroy it; and fifty years later, Smith O'Brien and his noble associates suffered banishment rather than submit to it. Ireland has seen since the enactment of the law, and traceable directly to the malign influence of it, her manufactures perish, her trade decline, her revenues drained from their native shore, and her children driven from their homes by the demons of want and penury to wander over the face of the earth.

The last and most terrible misery which the Union has inflicted on unhappy Ireland, occurred within our own recollection. Who can forget the wretchedness of Ireland in the years of her famine. Who will forget that the English Government was warned months in advance of the impending calamity; and that the statesmen of Ireland petitioned the Court and Cabinet of St. James to prohibit the export of cereals from the Island, and that the peasants and laboring men entreated their Imperial tyrants for relief; not for alms but for work, and the means of supporting life as the wages? The appeal was unheeded. At first the deaths were few, then increasing, until each revolving day beheld the corpses of hundreds, who famished from absolute want and the diseases attendant on it. Then Ireland, the Niobe of nations, forsaken by her rulers, smitten by the rod of famine and the breath of pestilence, uttered a cry of anguish at which the world grew pale.

We need not linger on those days and scenes of unparalleled suffering. We know, however, that they form only a chapter in the annals of English connection with Ireland, and that every page of the volume is replete with acts of violence and misgovernment. The footprints of the Norman and Saxon may be traced in blood on the shores of Erin. Every mountain, glen, or moldering ruin

in the Emerald Isle bears a legend, and a memory of the remorseless invader. The traditions and plaintive songs of the people breathe of glories departed and wrongs unforgiven. The ruined shrines of her deserted churches, and the graves of her martyred heroes, speak to Ireland of woe and oppression. Shall they speak in vain? Shall the home of Sheridan and Grattan, of Curran and Moore, remain forever a province of England, and the heritage of the spoiler? Forbid it Earth! Forbid it Heaven! No: by the memory of her ancient renown, by the accumulated wrong of centuries, by all that is sacred in the past, or welcome in the future, let us swear that Erin shall yet be free. The hour may be deferred, but come it must, when the fiery cross shall speed through the Island, and summon its warlike clans to rally around the standard of the Harp and Sunburst. Then, when the beacon fires of liberty illume the darkness of night, and cast their cadence far across the waters of the Atlantic, let Meagher, Corcoran, Shields and Mitchel, erase from their swords every stain of fratricidal strife, and lead the embattled hosts of their countrymen to the rescue of Ireland. A hundred thousand Irish soldiers, disciplined in the wars of America and animated by the sacred love of freedom, will vanquish the legions of England, as the Simoom overwhelms the Caravans of the desert.

Natives of the Emerald Isle: whose hearts so often wander from these tranquil shores—to the scenes of your childhood, and the homes of your fathers, prepare for the day that is dawning. All have a solemn duty to perform.

Parents from the Emerald Isle: teach your children to venerate and cherish the name of Ireland; learn them the songs, ballads and traditions of your native land, and entwine around their youthful hearts devotion to the liberties of America, and the memories of Erin.

Maidens of the Emerald Isle: when in the twilight hour you chant a vesper hymn to the Virgin, or when in holy church your prayers ascend as grateful incense to Heaven, mingle with your orisons a prayer that Erin may yet be free!

Friends of Ireland: remember that discord in council and divission in action, have been deadlier foes to the Island than golden bribes or hostile bayonets—enemies fatal and pernicious as was:

> "The fruit
> Of that forbidden tree, whose mortal taste
> Brought death into the world, and all our woe."

Banish, then, personal jealousies, sectional differences, and labor with earnest and united minds for the emancipation of Ireland.

Citizen soldiers! when the wires shall flash across the continent the glorious intelligence that the Irish armies of the Atlantic are moving in the cause of Erin's Independence stand prepared to unfurl your banners, unsheath your gleaming blades, and march to the deliverance of your native land. When the storm of conflict shall

rage, and the clash of arms resound from the earth to the skies—when the green flag of Ireland waves in triumph above the Red Cross of St. George, may the column of the Pacific lead the vanguard of liberty, and their swords flash in the foremost ranks of victory.

And oh! in future ages, when the warrior bards shall strike their golden harps, and sing of battles fought and triumphs won in freedom's holy cause, may their noblest song consecrate to immortal fame the names and deeds of the Irish volunteers of California.

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Caleb P. Day

CALEB T. FAY.

BY THE EDITOR.

FROM the date of the admission of California into the Union until a very recent period, this gentleman has been engaged in the successful prosecution of mercantile pursuits in the cities of Sacramento and San Francisco. His ancestors were among the early Massachusetts pioneers, and settled in the Eastern part of that State about the year 1640. His father was a merchant and farmer, and qualified all his sons for both occupations.

CALEB T. FAY was the fifth son of eight children, having six brothers and a sister. He was born at Southborough, Worcester County, Massachusetts, on the 13th day of April, 1821. He worked on his father's farm and attended a common school and academy until he attained majority; he then entered upon mercantile business, to which he applied himself for seven years. When he was twenty-eight years of age, the "fever" consequent upon the discovery of gold in California, began to rage in Massachusetts with nearly as much violence as in New York; and, yielding to its influence, Mr. Fay left Boston early in the spring of 1849, bound for the Pacific by way of Cape Horn. He felt that he was taking leave of the "land of steady habits," to struggle amid a multitude of adventurous men, intoxicated by excitement and spurred by the ardent desire for gain, to return, after a few years' hardships, with or without fortune, to his and his father's home.

He little thought he was to be one of the pioneers of a great empire, to whose development his efforts, in coming years, would be devoted; particularly, when he reflected that, *twenty-one years* before his departure, a ship had sailed out of Boston harbor bound for Monterey, California, manned by American seamen and commanded by American officers. Verily does the record of our PIONEERS reach far back into the PAST.

After six months' sailing on the Ocean—a period so long that he had become almost reconciled to his "home on the deep"—Mr. Fay arrived at San Francisco on the same day that the representatives of the people, in Congress assembled, welcomed California into the family of federal States. He did not tarry at the Bay City, but pushed on up the Sacramento river to the city of that name. There he immediately opened a house for the transaction of the business of buying and selling merchandise on commission. This business he followed in Sacramento for two years; at the end of that time moving to San Francisco, where he has ever since resided.

During his residence at Sacramento, Mr. Fay, on account of his exemplary habits, and strict attention to business, was universally esteemed as a merchant of shrewdness and foresight, and a man of strict integrity. He maintained his popularity, notwithstanding he bore the name of abolitionist—a title not very acceptable in those days. The following incident will be found interesting, as explaining the reason why this name was given him.

It will be remembered that, upon the admission of California into the Union as a free-labor State, owners of slaves then in the State were allowed by law a limited time within which they might remove their slaves. Sometime in 1851 a slaveholder advertised in the Sacramento papers that he had for sale a negro man for whom he was willing to take one hundred dollars; that he would be for sale for a certain number of days, and that, if the negro were not purchased in that time, he would be sent back to Alabama to continue a life of bondage;—adding to the announcement the statement that those gentlemen who favored the abolition of slavery and professed so much

sympathy for the negro would now have an opportunity to show their philanthropy and generosity.

Mr. Fay, upon reading the advertisement, determined to liberate the darkey. He saw Mr. Winans, his attorney, now a lawyer of San Francisco, and showed him the notice—stating to him that he proposed to buy the negro as soon as he would prepare the necessary papers. Mr. Winans asked to be "*let into that speculation*," "Very well," said Mr. Fay, "I am ready to pay the entire sum, but if you really wish to join me, we will both pay an equal amount, and let the fellow go free." Mr. Winans prepared the proper document and the two gentlemen—*practical* abolitionists—waited on the "massa," paid the full sum asked, and bade "Julius Cæsar" go on his way rejoicing.

This transaction became generally known, and a great many people believed that a man who gave money to liberate *one slave*, would go to any lengths to *abolish slavery*. They styled Mr. Fay an abolitionist, and indeed he was one, but not in the contracted sense the term then denoted. He always hated slavery, yet was entirely free from prejudice against the Southern people. He hailed them as "Americans, one and all." It was not for the humiliation of the slave-holding population, but for the destruction of the "peculiar institution," that he prayed. In a speech delivered many years after the transaction just mentioned, Mr. Fay used these terse and compact expressions.:

"It has been said that I am an abolitionist. To this I answer, I believe in the doctrines taught by Thomas Jefferson, the apostle of liberty, and I endorse the Declaration of Independence. I believe in the dignity and honor of free labor, and repudiate slave labor as degrading and unjust both to white and black; I believe in the Divine right of self-government, and that submission to the will of the majority is loyalty to liberty, while a rebellion against a constitutional majority is a strike for despotism. I believe Andrew Jackson's words when he swore, by the Eternal, that rebellion in South Carolina should be crushed. But I do not now advocate and never

have advocated, an invasion of the constitutional rights of the South. I endorse the language of Henry Clay who said 'that slavery should never be extended by any act, word or vote of his.' I believe that if the seceded States had presented their grievances to Congress, in a respectful, legitimate, constitutional manner—their grievances, if genuine, would have been respectfully heard, and either satisfactorily redressed, or silenced by peaceful separation. But a dictatorial war-policy has been inaugurated by the secessionists, and they must abide the consequences. Our National flag must again float upon the towers of thirty-four States—for this is the will of the sovereign people. These are my sentiments in short hand. Whatever name they entitle me to, I am willing to accept."

Upon his removal to San Francisco, Mr. Fay continued the business of commission merchant for seven or eight years. He always attended closely to his business duties, and was rewarded with considerable success; however, his mercantile employments, though fully discharged, never monopolized his time. He watched with interest the course of public men, the progress of political parties, and events of national importance. His opinions on public measures, though generally in advance of public sentiment, were always expressed candidly and firmly. From early manhood he had been friendly to the free soil movement. When the Republican party was organized in California, it owed its efficiency in a great degree to his help and countenance.

In 1860, Mr. Fay received the Republican nomination for Mayor of San Francisco. At the time, as had been the case for several years previously, the municipal government was entirely controlled by the powerful organization known as the "People's Party." Mr. Fay had been an active supporter of this party, as well as thousands of other Republicans who did not desire that politics should enter at all into the local elections. But the more enthusiastic and resolute of the Republicans determined to maintain their party organization intact, and go before the people with a full ticket nominated on the Re-

publican platform. Mr. Fay, as stated, was nominated for Mayor. In his letter of acceptance, the nominee gave, as the reason for leaving the People's Party organization, "the low abuse that has been heaped upon high-minded, honorable Republicans who happen to differ in opinion with the People's Party relative to local nominations." He further, suggests that the question: *Are you a republican?* be put to the People's nominee, Mr. Teschemacher. If he answers that he *is* a Republican, then, "I will not run as a candidate against a Republican possessing the ability and integrity of the People's nominee." The question was formally put to Mr. Teschemacher, who returned an evasive answer. Thereupon Mr. Fay led his little battalion into the field, and as was expected, was mercilessly slaughtered by superior numbers.

The following year, the Republicans, proud of their leader's conduct in the last election, again placed him before the people as a candidate for Mayor, but the result was a second defeat at the hands of the old foe.

Mr. Fay represented San Francisco in the lower branch of the California Legislature, in the winter of 1861–62. He entered the halls of legislation with REFORM as his motto. At that time nearly every State official was (in Mr. Fay's opinion, at least) receiving compensation far beyond his due. Upon the organization of the Assembly, Mr. Fay suggested the idea, and procured the appointment of a RETRENCHMENT COMMITTEE, of which he became the chairman. He immediately submitted to this committee a bill which he had prepared, to reduce the pay of State officers, members of the Legislature, Judges, Clerks, &c., looking to a sweeping reduction in government expenditures.

This bill was approved by the committee and introduced into the Assembly. Upon its consideration, a severe struggle ensued between the champions and enemies of reform. The author of the measure labored untiringly to secure its passage. The difficulties and embarrassments with which he had to contend, were enough to discourage

and even appall a heart less stout and determined. There was an organized and powerful opposition to the measure, and during its pendency, influential and interested office-holders from every part of the State visited the Capital, and gave their time and means to defeat the bill. The odds were too heavy and could not be withstood. Although the bill once passed the Assembly, it was reconsidered, and failed to become a law.

Another important bill, prepared and introduced by Mr. Fay, was the Act to create Townships throughout the State, and to regulate and define the powers and duties of Township officers. The State Constitution had provided for the creation of townships throughout the State, but hitherto the Legislature had failed to carry out this plain provision of the Constitution. Mr. Fay brought the matter before the Retrenchment Committee, and through his exertions, the bill became a law. The new order of things created by this measure, the decided advantages and benefits resulting therefrom to the people—particularly to those who dwell in counties of extended area—are so necessary and indispensable, that it is matter for wonder that this bill did not become a law years prior to its passage.

Mr. Fay also introduced an Act to amend the Criminal Practice Act, so as to admit colored testimony in criminal cases, which passed the Assembly but was lost in the Democratic Senate. He took the lead in advocacy of this measure and made an able argument in its behalf.

But, perhaps, the most important measure submitted to the Legislature by Mr. Fay, was the Act entitled "An Act for the disposition and improvement of the Water Front of the City and County of San Francisco, and for the accommodation of the Shipping and Commerce of the Port of San Francisco." He conceived the happy idea of making the valuable water front of the City a source of perpetual profit to the City and State. This extensive property was yielding a mere pittance, annually, while under Mr. Fay's bill it could not but yield hundreds of thousands of dollars. It will not be too much to say that this measure was great in its conception and noble in its

design. But as had been the case in the effort to reduce the salaries of State officials, so it was in this; the author of the bill was brought into inevitable conflict with a host of interested parties who had private ends to promote, and who proved too formidable to be overcome. The bill was defeated at that session of the Legislature, but was again introduced during the following session by Mr. Oulton, and passed into a law. It is generally known by the name of the "Oulton Bill."

To show the public importance and advantage of this measure, it is only necessary to state that, before its passage, the income derived by the City from its wharves and property along the City front, only amounted to about fifteen thousand dollars per annum; and since its enactment, the receipts from the same source have averaged annually over *four hundred thousand dollars!*

In an interesting notice of Mr. Fay's legislative record, the San Francisco *Evening Bulletin*, of May 30th, 1862, alternately extols and depreciates its subject. It states among other things, that, "Mr. Fay can unquestionably be classed among the working and talking class, two characteristics not often united in one person. He probably performed more hard labor, in committee and out of it, than any other member of the Assembly—certainly of the delegation; and we might also add, to less practical purpose. He was, from the commencement to the end of the session, untiring in industry; but there is, unfortunately, an impracticable or crotchety vein in his character, which seriously militates against his usefulness to his constituents or to the State at large."

It is very easy to understand how a reputation for impracticability could be acquired by a man who entered the California Legislature eight years ago, resolute in the purpose to promote the public weal at the sacrifice of all private ends and ambition.

The writer has no desire to attribute to his subject qualities greater than those he really possesses—at the same time, it is his province and duty to credit him with all his virtues, even if it forces him to join issue with a journal of no less respectability and influence than that

named above. The charge that Caleb T. Fay is impractical in his ideas, certainly can have no stable foundation. The son of a laborious, practical and successful farmer and merchant, inured to toil from his early boyhood, accustomed to deal with facts and figures through a long and prosperous mercantile career, he has had no time to *dream*, or yield to the influence of Utopian views. It has been stated that his excellent measure for the general reduction of salaries of office could and would have passed the Legislature, if the members of that body had been exempted from its provisions; and that the hope of reelection moved the representatives of the people to defeat the bill. To this it may be conclusively answered, that Mr. Fay could not concede this point to the hopeful aspirants for future honors, simply because the concession would have been grounded upon personal interest. There was as much cause for reducing the pay of legislators as that of the Governor, or any other officer of the State; and had Mr. Fay specially excepted the former from the operations of his bill, his immediate constituency and the people at large would have justly suspected his good faith.

Being universally recognized as an active and leading Republican, and having in the Presidential campaign of 1860 labored earnestly to secure the election of Mr. Lincoln, the latter, upon the organization of the Internal Revenue Department in 1862, appointed Mr. Fay to the position of Assessor of Internal Revenue for the First District of California. He assumed the duties of the office in August, 1862, and served through Mr. Lincoln's first term of office; and it is but just to say that he was one of the most efficient and popular Federal officers that ever held place as a civil appointment under the United States' Government in California; his practical business tact and experience reduced the chaotic Internal Revenue workings to a proper system in his District. But about the time of Mr. Lincoln's assassination, Mr. Fay was removed at the instance of Commissioner Lewis, who was influenced by designing men, and who yielded to their misrepresentations, thereby doing injustice to a faithful public servant. Commissioner Lewis, however, was

subsequently magnanimous enough to state to a Committee of Merchants appointed to inquire into the cause of the removal—that while declining to give the reason for the same, he assured them there were no charges affecting Mr. Fay's character or personal integrity—while the committee of investigation eulogized his conduct of the Assessor's office as just, upright and able in every respect.

In 1863, while holding the position of Assessor, Mr. Fay was brought forward as a candidate for Congress before the Union Convention. The names submitted to that body were those of Caleb T. Fay, R. F. Perkins, (since deceased) and Cornelius Cole, since U. S. Senator. On the first ballot, Mr. Fay received the highest vote (101). On a subsequent ballot, Messrs. Perkins and Cole united their forces, and Mr. Cole was nominated.

Immediately upon leaving the office of Assessor, Mr. Fay was elected by the trustees of the Union Insurance Company of San Francisco, to the responsible position of President of that wealthy and flourishing institution. He entered at once upon his new duties.

We now approach the proudest page, perhaps, in Mr. Fay's history, to record his connection with the Merchants' Exchange Association of San Francisco. The merchants of San Francisco had, up to the time of the erection of the Merchants Exchange building, been depived of the practical commercial benefits arising from a convenient, central, local rendezvous, where they could successfully inaugurate a regular 'change hour, and hold daily meetings for business and social conference; where accurate and reliable bulletin market reports could always be found; where information from all parts of the world, by means of newspapers, ships, and the electric telegraph, would be promptly disclosed. Such institutions are deemed indispensable to commercial prosperity in other large cities, and it is remarkable that San Francisco remained for so many eventful years without an Exchange, owned and controlled by her business men.

In the spring of 1866, while he was yet President of the Union Insurance Company, Mr. Fay determined to

consult with enterprising business men of the city, with a view to taking the initiatory steps towards the erection of a Merchants' Exchange. He waited upon Mr. Jonathan Hunt, President of the Pacific Insurance Company, who became his earliest coadjutor in the work. Messrs. Fay and Hunt then enlisted Mr. Wm. C. Ralston, the eminent banker, in the enterprise, who, in his usual prompt style offered to furnish temporarily all the money needful to secure the purchase of sufficient land. Mr. Fay called a meeting of prominent merchants and capitalists at the office of the Union Insurance Company, which was well attended, and resulted in a determination to push the work to completion. Messrs. Thomas H. Selby, R. G. Sneath, Lloyd Tevis, W. C. Talbot, L. Sachs, Samuel Brannan, J. W. Stow, R. B. Swain, and many other wealthy men, gave their money and influence to the work. The result was the incorporation, in June, 1866, of the Merchants' Exchange Association, with a capital stock of $250,000. Subscriptions to the amount of one half of this entire sum were obtained by Mr. Fay himself. A valuable lot of land, beautifully situated, was immediately purchased, and the erection of the present elegant building of the Association was commenced. This structure stands on the south side of California street, and extends from Leidesdorff street to within a few feet of Montgomery street, in the very heart of the commercial centre. It was finished in 1867, and this brief description of it appeared in Langley's City Directory of San Francisco, shortly after its completion. "The New Merchants' Exchange, corner California and Leidesdorff streets, is the largest and one of the most elegant structures in the city. The front on California street consists of basement, three stories and attic—surmounted by a clock tower. The basement is constructed of solid cut granite, which rises about six feet above the side-walk. The first story is in the pure Doric style, the second in Ionic, and the third in highly-ornamented Corinthian. The attics are in modernized-mediæval, if such a term implies the adaptation of old styles to new purposes. The whole is surmounted by a heavy balustrade, divided by colossal Etruscan vases,

above which rises the lofty clock tower which has four large dials that afford the "time o'day" to the residents of a large portion of the city; the great height of the tower—one hundred and twenty feet above the side-walk—making it a conspicuous object. Each of the stories on this point recede about ten feet, forming extensive balconies, surrounded with balustrades, and vases, which impart to the building a peculiar appearance of massiveness and strength. The front on Leidesdorff street is in the same style, but less ornamental and without recesses. All the ornamental work on the exterior is made of cast iron; the whole being painted a pale drab, and sprinkled with Monterey sand, which gives the building the appearance of being made of stone. The interior of this magnificent structure has been fitted up to correspond with its exterior. The total cost of the building, without the lot, has been $190,000."

The cost of this superb edifice, and the ground it occupies, amounted to the sum of $350,000. It is truly a noble monument to the liberality and enterprise of the men who erected it, and an enduring evidence of the *practical* wisdom of Caleb T. Fay.

In the summer of 1868, Mr. Fay resigned his place as President of the Union Insurance Company, in order to accept the nomination tendered him by the National Republican organization for Governor of California. Henry H. Haight had already received the Democratic nomination for that office, and Geo. C. Gorham had been appointed by a Convention called in the interest of the Union party. But said Convention was organized by the admission of sixty-three delegates from San Francisco, appointed outside of the Union party by a league called Eight-Hour Men, unknown and unrecognized by any political party. The Republicans being thus practically ignored and excluded from the Convention, at once called another State Convention, and nominated Mr. Fay. Although having no chance for an election, he entered the canvass with his accustomed zeal, and conducted himself throughout with the dignity becoming his position. In this triangular contest, which was perhaps the most in-

teresting, exciting, and bitter political campaign ever conducted in California, the Democratic candidate was elected. The purpose of this volume will not permit a discussion of the principles of the parties, or the merits of the candidates then before the people. The course taken by Mr. Fay was the plain path of duty which his judgment and his conscience directed him to pursue.

In his letter accepting the nomination for Governor, Mr. Fay used this language:

"Since 1848, at which time I cast my first Presidential vote to sustain the Free Soil candidates of that campaign, I have been identified, and have worked with the National Radical party, having for its objects the freedom, advancement and elevation of the masses of the people. I cannot consent that the Union party, with which I have acted in this State since its formation, shall take a backward step, as is manifest in the adoption of its cowardly platform of June 12th, and its tame submission to conspirators against the popular will, without entering my protest and declaration, that if it does go back I will not go with it. I will consent to belong only to a party that is progressive. The times demand that we should pierce the veil of frothy stump-declamation, and look at the political situation as it is in our midst: but principles must claim our attention, not men; for men are the creatures of an hour—to-day they live, perhaps powerful, proud, boastful and defiant—to-morrow they are dead and forgotten; but principles are imperishable. The foundations of all government should be laid deep and solid, upon the rock of impartial justice to the governed. It is the business of political leaders to keep burnished and bright before the people, by living faith and practice, all the essential principles of government; and when the leaders of a Government or party fall short of this sacred mission, they are useless lumber, or parasites upon the body politic, and may expect the people to repudiate their leadership. Monarchs claim a divine right to rule over people by virtue of superior wisdom concentrated in themselves, to govern; or in other words, they believe that minorities should rule. The slaveholders of our country were advocates of the

same principle, and endeavored to perpetuate it upon our soil at the point of the bayonet. To put down and destroy this heresy cost half a million lives, and three thousand million of dollars that are yet to be earned and wrung from the sons of toil. Republics claim the right of the majority to rule. They believe in the wisdom and justice of numbers, which is the key to their government arch. Remove that key, and the republican fabric reared by our fathers, and cemented by the blood of our brothers, falls, a chaotic and shapeless mass of political ruin; hence, any innovation upon the vital principles in our political fabric, from whatever source it may come, should be looked upon as treason to our republican faith, and should be met at the threshold wherever it appears, and destroyed, whether it be in the camp of armed traitors, open political enemies, or disguised in the habiliments of political friends. The government of the majority necessarily involves the enfranchisement of the masses. There are three ways of violating this republican charter of liberty; one is by armed rebellion of the minority, another is disfranchisement by law, and still another is by such low cunning, deceit, fraud, bribery and corruption in political circles, as to set aside the manifest will of the people. The latter mode of disfranchisement is the present working condition of the machinery of the Union party of California; and those who have followed it faithfully in time past, in its march through the sea of blood, to sustain the majority principle, are now commanded and entreated to indorse this treachery to our political faith, and by so doing become participants in this high political crime. Others may do it if they will, *I will not;* for I hold that since slavery is destroyed, there is no form of usurpation now so dangerous to American liberty as plottings of unscrupulous demagogues to foist themselves into power against the manifest will of the masses."

In a speech delivered just before the close of the campaign, at the State House in Sacramento, Mr. Fay addressed himself to the questions of National Taxation, Reconstruction, Suffrage, Internal Improvement, Corporations, the Union and the Republican parties, and other

topics of absorbing interest, in such an able and statesmanlike manner as to call forth the universal approbation of the true men of the Republican organization, and to elicit the following endorsement from the principal newspaper of the Capital, the *Sacramento Union*, a journal having, perhaps, the widest circulation of any published on the Pacific Coast.

"A SPEECH FIT FOR A GOVERNOR.—The speech of Caleb T. Fay, delivered in the city on Wednesday evening, and printed in yesterday's *Union*, is one fit for a gentleman aspiring to the Governorship of California, to make. By means of the daily and weekly *Union* it will reach at least twenty-five thousand readers, to each and all of whom we commend it for earnest and thoughtful perusal. It is a document that would honor the highest republican statesmanship, and is filled with maxims which ought to sink deep into the hearts of the people. A straightforward and honest man, who cares nothing for office merely for its own sake, but who at the same time, conscious of the manifold ills which afflict the State, cherishes an honorable ambition to be placed in a position where he can greatly assist in their amelioration, and live and act for the good of his fellow men, Mr. Fay resorts to none of the tricks and subterfuges of the professed politician, but presents his views on public matters with all the frankness of a private citizen and all the unconcern of consequences which might be expected from a philosopher. He sets out with the just theory that public men in this country are properly the servants of the people, to lighten their burdens and direct them in the way of government without oppression by the rich or peculation on the part of officials. He appeals, as he can so well afford to appeal, to his past record on the important questions of labor, economy in administration, retrenchment in expenditure, and honesty in officials."

In the last presidential election, Mr. Fay gave a cheerful support to the successful candidate. His time is now mostly devoted to the development of a valuable mine of iron ore, discovered a few years ago, in Sierra County, and located, according to Professor Richthofew who ex-

amined it, "about twelve miles E. N. E. of the city of Downieville, and a few miles north of the culminating rocky summits of the Sierra Buttes." A careful and scientific examination of this mine has established the fact, (attested by no less an authority than Professor H. Schrotter, of Vienna) that the ore which it yields contains an average of sixty per cent. of pure iron, and is equal to the best Swedish ores; and gives the further assurance, that California is not only rich in gold and copper, but also in what is really the most useful, if not the most precious of metals.

Having become largely interested in the ownership of these valuable deposits, and being confident that they can be made available for the purpose of manufacturing iron, Mr. Fay looks forward hopefully to the time when from this branch of metallurgy will spring a new industry which will not only amply reward his own patient efforts, but augment, in a wonderful degree, the wealth of the State.

Mr. Fay's residence is still at San Francisco, where he expects to pass the remainder of his life.

WILLIAM I. FERGUSON.

BY THE EDITOR.

THE history of political parties in California is illustrated with the genius of brilliant and ambitious minds from every section of the American Union: and of these it is noteworthy that a large and disproportionate number, prior to their advent in California, exercised a conspicuous leadership in public affairs in Illinois. Baker, McDougall, Ferguson, Campbell, Hoge, Hardy, Pratt—these are but a few of the ardent spirits sent forth by the Prairie State to the shores of the Pacific, endowed with the charms of oratory, strengthened by enlightened experience, and learned in the science of law.

William I. Ferguson was born May 9th, 1825, at Monongahela City, Pennsylvania, the native State of his father and mother. His grand-parents came to the United States from Ireland. His father, Benjamin F., was a carpenter and builder. William was the oldest of six children. When he was ten years of age, his parents removed to Springfield, Illinois, where his father died, and where his mother, sisters, and two brothers, now reside.

William received a common-school education. After leaving school, he clerked for a short time in a store; then, having determined to prepare himself for the bar, he applied himself closely for some years to the study

of law in the offices of Judge Logan, Col. E. D. Baker, and other prominent lawyers of Springfield. He received his license to practice before he attained his majority, and soon obtained a good business. Politics, as well as law, had a charm for him. When he was a very young man, he became noted as an eloquent and forcible speaker. He had been raised a Whig, but, on becoming a voter, espoused the Democratic cause. He was several times elected city attorney of Springfield, and his name was placed on the Democratic electoral ticket in the presidential election of 1848, he then being only twenty-three years of age. In 1850 he was a candidate for the State Legislature, and ran far ahead of his ticket; but was defeated, there being at that time a very large Whig majority in his district.

The editor has received the following reminiscences of Mr. Ferguson, from Mr. W. H. Herndon, a leading lawyer of Springfield, formerly a law partner of President Lincoln. Mr. Herndon wrote his narrative hastily, intending only to furnish data for this sketch, without expecting that his language would be adopted by the editor:

SPRINGFIELD, Ill., March 20th, 1869.

OSCAR T. SHUCK, Esq.,
San Francisco, Cal.

DEAR SIR:—I knew Hon. William I. Ferguson as early as 1836, when he was going to school. I sold his father *Gillies' Greece* for William to read. He read it well and with admiration, and was enthusiastic over its contents. He was fond of good history. About the year 1835, '6, or '7, I was president of a young men's debating society in Springfield, Illinois Ferguson joined it, and he soon assumed a leadership in it. He was a number-one talker in the society. He generally studied his subject well, would converse with older heads, read books and papers, and thus became well informed on the subject under debate. He admired conversation more than reading. He would absorb all that was said; would assimilate it, digest and use it. I do not think he loved mathematics at school; but grammar and rhetoric were favorite studies. He was a close reader of Byron, Shakspeare, and Milton. William was an open-hearted, spontaneous young man; would go to any lengths for a friend, even when a mere lad. He did not love to fight with boys; had too much good-will and sense. About the year 1837 or 1838, he was a clerk in a store in Springfield, owned by Bell & Speed, where he remained about one year. This occupation was decidedly

distasteful to him; his active brain and impulsive nature yearned for nobler employments. His father then put him to learn the carpenter's trade, but the boy was still unsatisfied. When pushing the jack-plane at his trade, he embraced every leisure moment to creep down into the shavings and read history or poetry. About this time, his friends thought he must die with the consumption. However, by keeping in the open air, and taking much physical exercise, he got well. In the year 1842, he went into the law office of Hon. S. T. Logan of Springfield; he received his license in 1843. He and Hon. David Logan, now of Oregon, son of Hon. S. T. Logan, read law at the same time and place. They were boys of much promise, because they had by nature large minds, and were studious, determined, and patient. Ferguson, upon being admitted, went into an extensive practice at once. He was social and beloved. He knew how to attract and tie men to him. He was more of a thinker than a reader; was a great absorber of what was said in conversation. He soon came to be the first criminal lawyer at the Sangamon bar, among such men as Lincoln, Logan, Baker, McDougal, Bledsoe, Stuart, and others. I have watched the young man in a hard case with admiration: he was calm and self-possessed, knowing his case thoroughly. His leading characteristic, in mind, was his quick, excellent judgment. His reason was no better than that of a thousand other men. His intuitive judgments were admirable, keen, correct, and quick as lightning. He told what the law was when hearing it discussed, even before it was decided by the Court. He caught hints how to manage his case by closely watching the ideas of opposing attorneys. Ferguson intuitively knew that the opposite attorney's side was antagonistic to his. Hence he never was at a loss to know how to manage a case, for a defendant especially.

Mr. Ferguson was chosen in this city on the Fourth of July, 1840, to be the orator of the day, over such men as Lincoln, Logan, and others. His oration was truly eloquent: it was finely, grandly eloquent. He gained great honor on that occasion. I forgot to say that one of William's habits was to read aloud, and walk the room, when so doing, backwards and forwards: he loved to read orations—Greek, Roman, English, and American. He was when about say from sixteen to twenty-two, always repeating them: he would go into the deep woods and there speak to a tree, or to me as well as others of his friends. In politics he was raised a Whig: he turned Democrat about 1844.

On one occasion he and I were going to court in Christian county. Hon. David Davis was judge of what may be called the Sangamon District or Circuit. On the road we heard that Judge Davis was too ill to attend Court. "Hush," said young Ferguson, "and we'll have some fun: we'll tell the people that we are authorized to hold Court for Judge Davis." So we rode to the county seat, and after breakfast in the morning Ferguson had Court open, as appeared to the crowd, in a legitimate way. The Sheriff knew no better, nor did the clerk, nor the lawyers. I kept still—said nothing. One lawyer made a motion, and during the time it was being argued,

some one behaved rather badly. Young Ferguson said: "Mr. Clerk, fine Mr. ——— one dollar for contempt of Court, in making too much noise and for keeping his hat on in the court-room." The man walked up; paid his fine with some grumbling. Two or three fines in addition were thus imposed. Probably four or five dollars were collected in this way. In about one or two hours, Ferguson rose up in the chair and said: "Mr. Clerk, Court's adjourned. Let's go and have a general frolic with the fine-money—a big, old-fashioned spree." Then it was first discovered that it was a sham court. The people were wild in their fun, and those that paid the fines enjoyed the joke more than all others.

Yours truly,

W. H. Herndon.

Mr. Ferguson left Illinois on the 26th day of September, 1852, for Texas. He resided in Dallas county in the latter State, until the following spring, and then started overland for California, where he arrived in the summer of 1853. After residing for a few months at Marysville, he located permanently at Sacramento, and entered upon the practice of his profession. Possessed of a fine knowledge of law, of affable manners, and a very generous and kind disposition, his popularity soon became as great as his ambition, (which was unlimited) and procured him as much business as he could possibly attend to. He loved, but was not wedded to, his profession, although he distinguished himself as a criminal lawyer. He sought to make it a stepping-stone to political preferment; and cherished an honorable zeal to shine in the councils of the State and nation. He had an insatiable thirst for fame. He cared but little for money. The fluctuations in real estate, and the rise and fall of stocks, never cost him a sigh or gave him any concern. The records of the County Recorder of Sacramento county do not once reveal his name as the purchaser or vendor of a single inch of ground. He lived and moved in the midst of a restless throng, crazed by the eager desire for gain, but himself callous to the allurements of mammon. The example of indifference to the acquisition of wealth in an age of speculators and in a community of fortune-hunters, was novel and striking.

In 1855, Ferguson was nominated by the Native American or Know-Nothing party for State senator. His

Democratic competitor was his first law-partner in Sacramento, Wm. S. Long. At the election, Ferguson received 3,437 votes to 2,592 cast for Long.

On entering the Senate, he was appointed chairman of the Judiciary Committee, and at once became a leading member of that body. The Legislature was called upon during that session to elect a United States senator. In the lower branch, the new party had a large preponderance, while in the Senate their majority was only one. Hon. Wilson Flint, one of the hold-over San Francisco senators, was known to be in sympathy with the Know-Nothings or Native Americans, and in company with Henry S. Foote, had stumped the State in 1850 for that party, and the votes of that party had been cast in a body for him, and aided his election to the State Senate. Therefore, his vote was relied upon for the American nominee for United States senator. It was the purpose of the Know-Nothing senators to go into joint convention, without first holding a caucus; but, as Mr. Flint declared he would not vote for the choice of the majority unless that choice were indicated by a caucus, the original intention was changed and a caucus was held. In a speech delivered in the Senate, January 15th, 1856, and which was reported in the *Sacramento Union*, Mr. Flint, in explaining his connection with the Native American party, used these words: "I assure the party to which I hold allegiance, that I am prepared at any time to abide the result of a caucus."

At that time, it will be remembered, it required a majority of both branches of the Legislature to bring on the election of a United States senator. Seeing how evenly balanced the two parties were in the Senate, David C. Broderick was making herculean exertions to have the election postponed until the next session of the Legislature, when he hoped to secure the prize himself. The caucus of the dominant party had many sittings, in the endeavor to agree upon a candidate. Mr. Ferguson himself received a large vote for the high position. The principal candidate, however, was Hon. Henry S. Foote, and upon him the caucus at last combined. That gentleman would have

been chosen, in a day or two thereafter, as the representative of the State of California in the United States Senate, but for the unexpected defection of Willson Flint, who refused, in the most stubborn and determined manner, to support the caucus nominee. Ferguson warmly endorsed the nomination, and was unable to restrain the impetuosity of his feelings against Flint. As he was master of satire and invective, he astounded the Senate, and even those who knew him best, by the withering anathemas which he hurled at the head of "the recreant." But the Senate refused, by a majority of one, to go into joint convention with the Assembly, and Broderick's star again ascended the political heavens.

In the fall of 1856, in the middle of his senatorial term, Ferguson openly renounced the Know-Nothing Order, and was welcomed back, with many joyous demonstrations, into the Democratic ranks. A committee of prominent Know-Nothings waited upon him and demanded his resignation. He agreed that, if his vote, should be necessary to decide the choice of a United States senator at the next session of the Legislature, he would resign, in time for the people of Sacramento county to elect his successor—intending in that event to go before the public as a candidate for reëlection; but as that exigency did not arise, he served out his term. At the next session both branches of the Legislature had Democratic majorities, and early in the session, Broderick was elected to the United States Senate, Ferguson voting for him.

In 1857, Ferguson was nominated by the Democracy as his successor in the Senate, and was reëlected. The contest was bitter and hotly contested. The vote stood: Ferguson, Democratic, 2,746; Brewster, American, 2,502; Nixon, Republican, 934.

The session commenced on the first Monday in January, 1858. About two months before the Legislature adjourned, occurred the memorable rupture between Douglas and Buchanan, and Ferguson promptly announced his sympathy with the former. Towards the close of the session, he delivered an elaborate speech on "Squatter Sovereignty," which was an impassioned vindication of

the views of the Illinois statesman, and replete with energetic and eloquent censure of the administration of James Buchanan. This speech was, perhaps, the most logical, finished, and effective of all his forensic efforts.

In August, 1858, Ferguson made a visit to San Francisco, and there became involved in a personal dispute with Hon. George Pen Johnston, which resulted in a duel being fought between them at Angel Island, in San Francisco Bay, on the 21st day of that month—the weapons being pistols, and Ferguson being the challenged party. At the fourth fire, the latter received his adversary's ball in his right thigh, and was carried from the field—Johnston being slightly wounded in the left wrist. When his physicians examined Ferguson's wound soon after its infliction, they informed him of its serious nature, and notified him that, unless the leg were amputated, the chances were a thousand to one against his recovery. He replied that he would not lose his leg for all California, and that he would take the solitary chance. The surgeons, therefore, rendered him such assistance as they could give, and did not resort to amputation until September 14th, when Ferguson's condition made a further and minute examination necessary; whereupon, it became evident that amputation furnished the only hope for life. The patient at last yielded to the advice of his friends. He stated to those in attendance that he did not expect to survive, and requested that if the people of Sacramento asked for his body, it should be given to them, that he might be "buried in the county which had honored him with a seat in the Senate."

At about half-past three o'clock in the afternoon, Doctors Angle, Sawyer, Rowell, Coit, and Gray, after administering chloroform, commenced the operation of amputating the limb. This was performed in a short time; but his long and painful confinement had enfeebled him to the last degree, and he could stand no more. Before the operation was complete, his spirit was disenthralled from its shattered earthly tenement, and gone (the writer, who loved him, devoutly trusts) to a sinless world.

It was then seen how tenderly he was beloved by the people of Sacramento. Only a day before his decease, the telegraph had announced that he was better, and the intelligence of his death spread a deep gloom over the capital. A large delegation of Sacramentans met the party in charge of the remains at Benicia, and escorted them to Sacramento, where the body was lain in state in the Senate chamber of the capitol building throughout the following day. Thousands of the citizens of Sacramento county visited the State House, to behold for the last time the noble brow and form of him whose nervous eloquence had so often, in that very building, delighted and entranced them.

On the 16th day of September, after an impressive discourse by Rev. J. A. Benton, and a eulogy by Col. E. D. Baker, a very large concourse followed the remains to the grave. At the time of his death, he had one year more to serve as a State senator, and was a prominent aspirant for congressional honors.

The writer, for good cause, will not continue this sketch further. When Ferguson felt that he must soon die, he said to those who watched by his bedside: "My friend Baker has known me best in life: ask him, if he will, to speak of me when I am dead." He could not have entrusted his memory to the keeping of a better friend than the eloquent old man whose voice always fell upon enraptured ears. Col. Baker fulfilled the sad trust committed to him, and spoke in pathetic terms of the virtues, talents, frailties, and ambition of the promising young man whom he had known since his early boyhood. The writer, therefore, drops his pen, and hastens to refer the reader to Col. Baker's Eulogy, which immediately follows this sketch, and which in turn is followed by Mr. Benton's Discourse.

REMARKS ON THE DEATH OF WM. I. FERGUSON,

Delivered in the Assembly Chamber, Sacramento, Cal., September 16th, 1858.

BY COL. E. D. BAKER.

The intense interest which is apparent in this crowded auditory too well evinces the mournful character of the ceremony we are about to perform. Wherever death may invade the precincts of life, whether in the loftiest or lowliest home, there is a tear for all who fall; there is a mourner for even the meanest and the most humble; but when beyond the deep impression which the change from life to death produces in all good minds—when beyond this we know that an eminent citizen is stricken down in the full vigor of his manhood and in the pride of his intellectual power, the impression is deeply mournful. And when to this we add that those who loved him in life, whose servant and representative he was, have gathered around his bier to-day to accompany him to his last resting place on earth, the impression is not merely mournful, but painful. And when we add to this that the man we mourn died by the hand of violence—suddenly—in a peaceful land, away from his own friends, the painful impression becomes an overwhelming sorrow.

At the personal request of our departed friend, it has been assigned to me to say a few words upon this occasion.

I have perhaps known him longer than anybody here. I have known him, more particularly in his early youth, perhaps better than any one here assembled. I have watched the bud, the blow, the fruit, and lastly the untimely decay; and while I desire to speak of him as he himself would wish to be spoken of; while I do not mean that personal friendship shall warp my judgment or lead me to say as his friend any thing unduly in his praise, so also, on the other hand, shall I say nothing against him or others that is unjust or unkind.

The gentleman whose remains you are about to consign to his last resting place until the trump of the Archangel shall sound, was a native of the State of Pennsylvania. I knew his father well; a respectable, worthy, honest man: a mechanic by pursuit, intelligent, relf-reliant, and in every respect honorable.

The young man was ambitious from his boyhood. He sought the profession of the law, not merely for itself, but as an opening that would lead to what he considered were higher and more noble positions.

He was fitted for the study of law by nature. He was then what you knew him but lately—bold, self-reliant, earnest, brilliant, eloquent, a good judge of human nature, kind, generous, making friends everywhere, placable in his resentments, easily appeased, and a true friend. He read law not only with me, but also with far more able men, and he formed his judgment of public affairs while honored with the friendship of Douglas, his opponent Lincoln, John

J. Hardin, who won a deathless name at Buena Vista, Judge Logan, and many others who are the pride and boast of the Mississippi Valley. He was early distinguished in his own State. He was very young, and he had those contests among his own friends which are peculiar to politics; and there had the reverses and crosses without which no man is worth much. The success which he achieved here had its foundation laid in defeat, and I think I may say that most of what he knew as a politician he had learned in the school of adversity—

"That stern teacher of the human breast."

It is not good for a man to be always successful, either in private or public life. No man's character can be formed without trial and suffering, and our departed friend showed by his course of conduct that he could endure temporary defeat, confident of the ultimate success of the right—perhaps not the less confident of his power to achieve success. He was a successful candidate upon the Democratic ticket for presidential elector in 1848. He was as renowned in his own State, as a debater, as he was here; he had (and that is saying a great deal) as many friends there as he had here; he deserved them there, as he deserved them here, by his fidelity to his friends, high personal qualities, courage, intellect, brilliancy—by those qualities which rendered him so dear to many of you now before me.

He came here, and what he was here you know better than I. You knew him well, for he served you. You knew him well, for he ever strove for your approbation, and loved you living, and loved you dying. He had a great many qualities that make a successful politician, not merely in the personal sense of the word, but in a higher sense, the achievement of great deeds, and the advancement of great principles.

These halls have been the witnesses of many of his triumphs. As was well remarked by a contemporary newspaper, he hardly ever undertook that which, when he set himself earnestly to work, he did not accomplish. He had the determination to succeed—that knowledge of mankind—that control over other men's minds—that kindly manner, those generous impulses for all—that love for humanity—those qualities of mind which, if they called forth grave defects, also called forth great virtues. And these are in most of the departments of life the great elements of success. Mere intellect, except in the closet, does but little: the qualities of mind, of mere abstract wisdom, which distinguished a Newton or a LaPlace, would do but little at Washington. It is the same both in private and public life. A knowledge of the human heart; a readiness of resources; kindness of heart; fidelity in friendship—will effect more than mere abstract wisdom, and must be combined with it in order to render that wisdom of avail. These, and all these, our friend had.

You know how well he served you; and those who knew him best, knew how ardently he desired your approbation, how earnestly he strove to win it.

There is more than one thing in his legislative career which deserves notice, and not the least is the manner of his death. He died poor—not poor in the common sense of the term, but poor as was Aristides when he was buried at the expense of the citizens of Athens. Amongst all his papers, there is not found the trace of a speculation. He had no property—no resources; his poverty, if remarkable, was honorable. In a land where corruption is said to be rife, the more especially in legislative bodies, and which, whether the charge is true or false, is proverbially liable to corrupting influences, it seems impossible that he used the vast power he possessed for aught except the public interest and welfare. And this alone would be a proud epitaph to record upon his tombstone. He was a man of undoubted courage, as his death proved. I am not here to speak of its manner. I am not here to discuss the subject of dueling. If I were, it would be to utter my unqualified condemnation of the code which offers to personal vindictiveness a life due only to a country, a family, and to God. If I were, under any circumstances, an advocate for a duel, it should be at least a fair, equal, and honorable duel. If, as was said by an eloquent advocate in its favor, "it was the light of past ages which shed its radiance upon the hill-tops of civilization, although its light might be lost in the dark shade of the valleys below;" if even I held this view, I should still maintain that a duel should be fair and equal; that skill should not be matched against ignorance, practical training against its absence. And while I am in no sense to be understood as expressing an opinion as to the late duel, knowing nothing of the matter myself, yet I do say that no duel should stand the test of public opinion, independent of the law, except the great element of equality is there. In the pursuits of common life, no one not trained to a profession is supposed to be a match for a professional man in the duties of his profession. I am no match for a physician in any matters connected with his pursuits, nor would the physician be a match for me in a legal argument. The soldier is no fair match for the civilian, when the latter has not been trained to the use of arms; nor, although his courage is equal, and he may have a profound conviction that he is right, will, therefore, the contest be rendered equal and just. I repeat that I do not make these remarks intending thereby to reflect upon the character of the late duel. Personally, I know nothing more than what I and you all have heard. Whether it was fair or unfair, it is not my province to inquire. I am denouncing the system itself, for it loses annually hundreds of valuable lives, and in the present state of civilization, it does no good, profits nothing, arrests no evil, but impels a thousand evils; but above all, do I protest against any contests of this nature where, in skill, knowledge of weapons, or from any cause, the parties are not equals in all the conditions of that stern debate. The friend whose loss we deplore was undoubtedly a man of courage. Whatever may be said with respect to the code of dueling—whatever may be said as to his motives—his conduct on the field was in all respects what his friends expected. He stood four fires, at a distance of scarcely

twenty feet, with a conviction that there was a strong determination to take his life—that the matter should be carried to an extremity—and that, too, when, until the day before, he had never fired a pistol off in his life. But courage is shown not merely in action, but in endurance. A woman may show the higher quality of courage in many instances where many men would fail. A brave man—a really brave man—shows his courage no less in endurance than in action. It is a higher, a greater quality to suffer than to do; and in this respect our friend was no way defective. He bore a long and painful confinement—he bore a severe operation—he saw his hold upon life unclasping day by day, hour by hour; and amidst it all, neither his resolution nor his cheerfulness faltered for an instant. When he lay helpless, looking back upon the errors (and who has not errors?) of his life, he seemed to recall them for lessons of instruction and warning for the future; and when he knew he must die, he arrayed himself for the last contest, to die as became a man, amid all sweet and pious and holy recollections. He died with no vindictive passion in his heart. He died with words of affection upon his lips. He died with the thoughts of his mother present to his soul. He left this world with the thoughts of home and mother. He left with words of forgiveness and kindness. His last act of consciousness was an act of prayer.

Oh! Affection, Forgiveness, Faith! ye are mighty spirits. Ye are powerful angels. And the soul that in its dying moments trusts to these, cannot be far from the gates of heaven, whatever the past life may have been. However passion or excitement may have led a soul astray, if at the last and final hour it returns to the lessons of a mother's love, of a father's care—if it learns the great lesson of forgiveness to its enemies—if at the last moment it can utter these words: "Father of life and light and love!"—these shall be winged angels—troops of blessed spirits—that will bear the fainting, wounded soul to the blessed abodes, and for ever guard it against despair. Oh, my friends! those mighty gates built by the Almighty to guard the entrance to the unseen world, will not open at the battle-axe of the conqueror; they will not roll back if all the artillery of earth were to thunder forth a demand, which, indeed, would be lost in the infinite regions of eternal space! but they will open with thoughts of affection, with forgiveness of injuries, and with prayer.

But I am not here to speak of the virtues of the departed alone. He had his defects; they were great; they were marked; but they were incident to his career and his character. He was, by nature and habit, a politician; and of all callings, that of a politician is the most illusive and unsatisfactory: it kindles the mind in a state of constant excitement: it is a constant struggle, which is frequently injurious in its effects; and our friend, with all his fine qualities, was no exception to the rule. Let him that is without sin cast the first stone. Of how many can we say that no greater defect can be recorded? Of him who is dead, what worse can be said? He was honorable, honest, loving, generous, placable; and if amid his virtues, there were some defects, they are but to be mentioned to be forgiven

and forgotten. Fellow-citizens, the words I utter I should not deem complete if I did not, before I close, utter a word of warning. The most powerful intellect, the most amiable qualities, may be shaded by a love for excitement and the evils which the life of a politician is but too apt to engender. What Ferguson was, we know. What he might have been, if he had conquered himself, who can tell? The inspired book says that "he that ruleth his own spirit is greater than him that taketh a city," and if our departed friend could have conquered himself, who could have stayed the resistless course of his bright intellect? It should be a warning to us all, grey heads as well as to young men. All should remember that the pursuit of politics is delusive and full of temptation. No man should forget the duty he owes to his country, but all should remember that they owe a duty to themselves. When men—I refer now more particularly to young men—see a great statesman stand forth in the midst of a listening Senate, and mark the stamp which he makes upon the public mind and upon the policy of the country by the force of his intellectual vigor, they are apt to forget the labors by which that proud position has been achieved—to forget how many have sought to attain such a lofty position and have failed; and to forget that he who is now filling their minds with admiration, may be on the eve of a sudden fall! Politics should not be the pursuit, I mean the only pursuit, of any man. Representative honors, official station, should only be the occasional reward, or the occasional sacrifice; and if, forgetting this rule, young men attempt to make politics their only hope, with the probability that in many cases they will fail, and that if successful, they will surely be exposed to a thousand temptations: if they love excitement for its own sake—the noisy meetings, the conventions, the elections—this love for excitement will grow upon them, and they will soon be on the high road to ruin.

If any one is determined to achieve distinction in politics, let him first obtain a competency in some trade, profession, or pursuit, and then, even if unsuccessful in politics, the misstep will not be irretrievable. But, young men, do not be beguiled by the example of our Ferguson, even if you possess his splendid talents—even if you could achieve the success he did: look at *the end!* There he lies in a bloody grave. Let your habits be fixed. "Let all the ends thou aimest at be thy country's and thy God's."

Fellow-citizens, I have said what I supposed this occasion most required. If I had been told sixteen years ago that it would be my fortune to stand by the bloody grave of my young friend, in the city of Sacramento on the Pacific coast, I could scarcely have believed it had an angel from heaven told me so; for at that time there was no civilized Pacific coast. Then *his* course was unmarked, and my future was so marked out, that it would seem but little less than a miracle that I should stand here, by his dying request, to offer a few poor remarks over his bier, before he is laid to rest in the place he loved so well—in the city named after the sweeping Sacramento. But who can tell what a day may bring forth? Here we see the sudden, untimely end of one who was amiable, gifted, and who was

looking forward to a long career of honor and fame. And perhaps it may be my lot to be shortly laid in the grave; and perhaps in this assembly some one may be called upon to address some remarks over my poor lifeless body—even as I have been called upon on the present occasion; and if this should be so, I pray that that friend may accord to me as much of praise and as little of blame as will be consistent with the truth.

In conclusion, I would remark that I have no words sufficient to express my own personal regret. I have lost a warm personal friend. I may find others, but I shall not be able to find friends that I have loved in other years. I shall not often find those to whom I can, as I could to him, talk of the old familiar times and the lessons I taught him in early life—of the virtues and example of his parents—of his mother's, his poor afflicted mother's affection and love—of his old contests—his old hopes, so often broken. I shall not often find friends like these, nor can the breach which death has made be so easily repaired.

Let me hope, for myself and us all, that when we have filled our allotted space in this world; when we are attended by weeping friends, for the purpose of removing us to our last resting place, that it shall not be said of us that we have lived without purpose, but that we have gathered friends in the days of our manhood; that we have left fruits to bloom when we have departed.

DISCOURSE ON THE DEATH OF HON. WM. I. FERGUSON,

Delivered in the Congregational Church, Sacramento, Cal., Sept. 16th, 1858.

BY REV. J. A. BENTON.

"Thy hands were not bound, nor thy feet put into fetters: as a man falleth before wicked men, so fellest thou. And all the people wept again over him."—II. SAMUEL, iii. 34.

The worst has been realized. The poor mangled corse of our senator lies before us. Others may have felt the same: I certainly have feared from the first, that it would come to this, and have so expressed myself within a few days. For such were the antecedents, the circumstances, and the shock of the wound he received, that they would have imperiled the life of the most robust man; and they rendered it almost certain that a temperament and a constitution like his, so slender and delicate, would not long survive. And there are many who have been incredulous regarding the reports of his improved condition, as knowing they were premature; because the worst stage of the difficulty was not passed, nor the point of danger turned. When the time for decision came, a careful examination

showed the wound gangrenous, and the parts adjacent moribund. Speedy amputation of the limb afforded the only hope of life; and even that was dim. And such was the severity of the proceeding, though the sufferer was under the influence of anæsthetics, and such his physical prostration, that his powers did not rally again nor his senses return. And so his eyes were closed upon the light of life, and he passed unconsciously away.

We shall look upon him no more. Three or four short weeks have sufficed for all this. A month ago the deceased was here among his friends, in his usual health, vigor, and activity. He was uncommonly spirited, cheerful, and energetic. He was in his element; in the exercise of some of his peculiar faculties, which always came out with remarkable force in the midst of a political excitement. He went to San Francisco to remain, as he supposed, but a few days. There he fell into a personal and political controversy; gave some offence to his opponent; was challenged to mortal combat; stooped to the acceptance of the proposal; fell at the fourth fire, and was carried from the field badly wounded. After four weeks' absence, and three of lingering and suffering—of alternating hopes and fears—he is with us once again; but only in these lifeless remains, which have come to be garnered, as treasures, in the burying place of those who in his life had delighted to do him honor.

It saddens us to know that we shall no more look on his familiar features, so finely chiseled, so exquisitely moulded, so handsomely combined, so vivacious in their play, and so expressive of the varied emotions of the soul. The full brain that wrought under that fine brow and capacious forehead, throbs no more. We cannot see again the rare head and face that, but for an early thinning out of the hair, had been more than beautiful: they were even grand. The hands, the feet, the skin, the movement, the tone, as well as the features, all were expressive of fine sensibilities, genius, and character. None could behold him and not be impressed. None could turn away and quickly lose that image from his memory.

It saddens us more to think in what a conflict our senator came to his untimely end, and by what a process our community has been deprived of his services in the coming years.

From the Christian standpoint, no duel can ever be justified; nor any party thereto. This is conceded on every hand, and so positively that it never is expected that a professing Christian will ever send or accept a challenge; and he is always exempted from the operation of the "code of honor" without loss of reputation, or the disparagement of his spirit, bravery, or courage.

From the standpoint of society, there is offered somewhat that may palliate, if it cannot justify, the practice of dueling. It is alleged that there are some personal offences of which the civil law takes no cognizance, or against which it affords no adequate protection; that, therefore, there must be some social law, to the usages of which such cases shall be referred; and that the "code of honor" is such law, and the practice of dueling the best method of arbitrament yet discovered. To support these allegations, the instances

brought forward are those in which the laws of a State are not outwardly violated, while yet the offenders exhibit such an injurious, overbearing, and contumelious spirit, such studied insult, such malicious hate, and such fiendish passion, that, without quick resentment and revenge, the offended parties could no longer hold up their heads, or move in their accustomed circles, except with danger of being rejected, disparaged, and despised, or meet the offending parties on terms of equality, and with proper feeling of self-respect and complacence.

There is not time now to controvert these statements in full, on the basis of reason and common sense. I shall only say that the edge of all these allegations is turned by the fact that men have met such offences, have refused to fight duels, and have really lost nothing by the course they took; but rather have risen in the general estimate, and held a loftier social position ever afterward than would otherwise have been possible. The one brief reason, patent to all men of sense is, that the man of high spirit, great courage, and lofty character, can display his qualities without resorting to the duel; and one who has them not, will never bring away from the dueling ground any thing more of these qualities than their grim and ghastly shadows. But if we even assume that there are times when the duel is a necessity, and occasions on which it is allowable to have recourse to it, it is certain that all occasions are not fit ones, and that many personal offences ought to be excluded from the number that are actionable under the "code of honor." There are such exclusions; and some offences are regarded as unworthy of a settlement on the field of honor. Yet, all sensible men must admit, even those who justify dueling in extreme cases, that matters trifling and contemptible are in our day far too frequently made the basis of a challenge, and that the whole matter needs a reformation.

Now, admitting for the moment that some occasions may justify dueling, I affirm that political differences, and the disturbances, disputes, and imputations growing out of them, are not sufficient occasions. They spring out of impulse, hot blood, the excitement of the moment, and are always to be taken with abatement, and men can endure them for a time without serious loss or damage; and when days are past, they will be withdrawn and apologized for by any with whom it is worth while for a man to associate. Political differences there must be. Disputes and bickerings will occur. Epigram, repartee, the shaft of wit, will fly, and may sting. Accusations will arise; recriminations be made, and imputations hurled. These are unavoidable incidents to the existence of parties and the freedom of debate. They grow in some measure out of our institutions and our social state, and they ought to be permitted and allowed licenses, for which no one is answerable except at the bar of public opinion. They ought not to be regarded as insults, or as touching the tender parts of character, or as really derogatory to a man's reputation. And there ought to be a combined effort, if not to suppress dueling, at least to banish all political troubles and their outgrowths from the operation of the dueling code. A determined

and persistent effort might accomplish this. For there is no good reason why our political differences, or animosities even, should be carried beyond their proper arena, and allowed to invade the social circle and disturb the harmonies of domestic life. It is time we learned a wider toleration of these differences, and forbade their entrance into the common walks of life. Till we do, opinion is not free, and the conduct of life in civil matters is subjected to a social inquisition, if not a tyranny, as impolitic as it is unjust.

I say these things, because this duel grew primarily out of a political difference and discussion in the midst of a social scene. It is only the latest, and not the first duel fought in our State, that has had a similar origin and a political significance. If I am not mistaken, political reasons were at the bottom of the duels between Denver and Gilbert, Broderick and Smith, Gwin and McCorkle, Washington and Washburn—others, also, it may be—and finally, Johnston and Ferguson. Of these, the first and the last only were fatal to one of the parties in each. And God grant that it may be years and generations before our annals shall be blotted with the record, and our soil stained with the blood of another fatal duel: and that we may never more hear of a resort to so cruel an arbitrator as this for the settlement of difficulties arising out of the ever-changing phases of political strife and political affairs! As I am not familiar with the intricacies of the "code of honor," nor conversant with the details of proceedings under it, I do not feel competent to criticize the transactions of the case which just now has had so lamentable a result. But I may say that the contest might have terminated sooner, and otherwise, without disparagement to either of the parties. Three exchanges of shots were as good proof of personal qualities as a dozen could have been. And I agree with the person who had the loading of the pistols, that then, at the most, after the third fire, when the deceased had only escaped the loss of the lower part of the face by the momentary elevation of the chin, it was time to have done. But the demand for satisfaction was not yet met; and the fourth fire laid our young senator low, and has brought him hither, at length, "bound hand and foot in his grave-clothes."

We will turn now to our text and its application. A long contest had been going on between the house of Saul and the house of David for supremacy in Israel. Abner was a prominent leader in the house of Saul, as Joab and his brothers were in the house of David. In process of time, after having fought many battles for the house of Saul, in one of which he had slain Asahel, Joab's brother, Abner became alienated from his old party and former associates, and resolved to transfer his allegiance to the house of David He had visited the head of the new party; had made his negotiations; and had gone away, in peace, to consummate the arrangement. On his way homeward at the well of Sirah, Abner was overtaken by messengers from David's premier (to which transaction the king was not privy) requiring his return to Hebron. He went back with the messengers to the city gates. There he was met by Joab, who drew him aside as if to speak with him peaceably and in quiet. Then taking

him at a disadvantage, when Abner was suspecting no harm, Joab thrust a dagger in his side, and slew him. Resentment against Abner for the past was one of the motives to the deed; and perhaps a jealousy of him for the future, lest himself might be overshadowed by one so eminent, was another. Such a death, of such a man, took the people by surprise. The sensation was deep and wide. The feeling rose almost to indignation, and the profoundest sorrow filled all Hebron. And David said to all the people that were with him, "Rend your clothes, and gird you with sackcloth, and mourn before Abner." And King David himself followed the bier. And they buried Abner in Hebron; and the king lifted up his voice and wept at the grave of Abner; and all the people wept. And the king lamented over Abner and said: Died Abner as the fool dieth? Thy hands were not bound, nor thy feet put in fetters: as a man falleth before wicked men, so fellest thou. And all the people wept again over him. And when all the people came to cause David to eat meat while it was yet day, David sware, saying, God do so to me, and more also, if I taste bread, or aught else, till the sun be down. And all the people understood that day that it was not in the heart of the king to slay Abner. And the king said unto his servants, Know ye not that there is a prince and a great man fallen this day in Israel? And I am this day weak, though anointed king, and these men, the sons of Zeruiah, are too hard for me." The analogy between the scenes here described and these which we witness to-day, will not hold in all the particulars, but at some points it is a striking one. Here lies the body of one who has had a prominent place and run a brilliant career. As a public man, he has belonged to different and opposing parties. The transfer of allegiance from one to another has created some enmities, given rise to some jealousies, and left memories that only waited for their opportunity to render themselves formidable. He was alike eminent with whatever party he acted, and could not fail to be regarded by any party as an acquisition. He was a great man, and a kind of prince among political aspirants: he was held in esteem and honored by the masses of the people. He fell in the midst of life, when new honors and a fresh career were apparently awaiting him. He fell by the hands of one who should have been the very last man to shed his blood; and in death he is mourned by rulers and people, who gather with a common sorrow to follow him to his grave and weep at his tomb. In these respects, certainly, the person whose obsequies we observe to-day resembles the man concerning whom my text had utterance. And we, too, are weak this day, though clothed with power; and these modern sons of Zeruiah have been too hard for us.

Our friend, whom with lamentations we are here to bury, has been for three years one of our senators in the State Legislature, and is the first one in our history who has died during his term of office. He was fitted in many ways for a leader, and had those social qualities, that pleasing presence, that fascination of manner, that humor, pleasantry, and wit, that fluency of speech, that raciness of style, that gift of eloquence, and that power of command

which always raise a man to a kind of supremacy over the masses of the people. He had a singular insight, a ready tact, skill to meet emergencies, confidence in his own unfailing resources, and that determination to suffer no defeat which is always sure to win success. His mind was naturally cool, clear, and bright in its action, and his intellect was one of a high order. And those who have heard him most at the bar, in the Senate chamber, and before the people, are the ones that have the highest opinion of his abilities, and give him exalted praise. As a public man, he has made as few mistakes, and given as little offence, as any one who has ever held the same office among us; and, in the estimate of many, he has rendered as much service to this community and to the State as any one of our various senators ever has.

In private life, Mr. Ferguson had faults: they were well known: he confessed them: he attempted to conceal nothing. In his frank and generous nature, there was nought mean, furtive, or underhand. His eccentricities were numerous, and were all his own; and his methods were such as to throw a charm around habits and practices that in other men would have been accounted gross or offensive.

The pravity of some men is unimpassioned, steady, bitter, of set purpose, in foresight of consequences, and void of the wish to be other than it is, or to do better. The pravity of others is impulsive, genial, passionate, with no look towards consequences, stealing upon them through sensibilities delicately strung, that wave and vibrate as with some ethereal touch; and finally lift the swell and wake the storm which sweep the men away. And their language always is: "When we would do good, evil is present with us." To this latter class belonged our friend; and fairness demands that we allow whatever abatement of censure such a temperament entitles him to. His convictions were right, his feelings not calloused, and his whole moral nature quick and sensitive; so that he could never attempt to justify himself in his indulgences, nor cease to condemn himself for his wrongs.

It can do no harm now to refer to a fact already known to some, that may have had something to do with not a few of the eccentricities that have marked our friend's brief life. He was the subject, some years ago, of one of those disappointments which, now and then, permanently wound the affections, darken the path, sadden the life, blight the hopes, and mar the prospects of young men in the outset of their career. Such a misfortune is peculiarly disastrous in its effects upon some natures; and while it is wept over in the other sex, in ours it is commonly the theme of mirth. How seriously it was felt by the deceased, and to what extent it affected him for the worse, we shall never know with precision; but the more I have thought of it, the more I am convinced that its influence was considerable.

Fellow-citizens, a bright light is quenched; another star has fallen from our sky; one more shall we miss from among the coun-

tenances that shine on us; another form of pride and power is turning back to ashes before our eyes.

We are here in the presence of Death, and of Him who is greater than Death; without whose permission the grim messenger had not been here to gather this form beneath his dark wings. It seems hard to mere mortal thought, that one should die thus, in the prime of his manhood, in the maturing season of his faculties, with high heart and hopes bright, with greener laurels yet before him, with the purpose to win a name on wider fields, and lead a life that should carry joy into the bosom of the household whence he wandered. But this life is cut off; these purposes are thwarted, and these hopes have perished.

Still, heaven is over us, and God is gracious. And though at last, death came suddenly upon the departed, it came not quite unexpectedly; and we may hope that changes were going on within him, and that some preparation for another world was making as he lay through those long days and nights, thinking, planning, resolving, and often giving utterance to his longing to lead a different life, and be a better man.

Standing here by these motionless limbs, how unconsciously rises to our lips the prayer of the Psalmist: "O my God, take me not away in the midst of my days: spare me a little before I go hence and be seen no more." And while we thus indulge our sorrow and give expression to grief, let us remember that there are other hearts that will bleed and other eyes that will be wet with tears, weeks after our mourning shall have somewhat abated its intensity. To the widow's God let us commend the mother who is so early bereaved of the son whom she may have loved to regard as the support and solace of her declining years. Let us pray for the welfare of sister and brothers, who shall never again welcome to their homes the departed one, or fold him in their fond embrace. The Lord be gracious to them, that their sun go not down at noonday, nor their hopes and plans of life be suddenly broken and scattered.

Ye rulers of the State! Magistrates, Legislators, and Judges! this scene admonishes you. How short is human life—how many our exposures—how unreliable our prospects, and how closely the deepest shadows are edged upon the spot where the brightest sunlight falls! The night comes. Do what you have to accomplish: redeem all your pledges; endear yourselves unto the people who have so generously trusted you, by the heartiness and value of your services; and render all due homage unto Him before whose tribunal your acts and lives must pass in solemn review.

Need I point you, young men, to this lifeless clay, and bid you remember that you know not what a day may bring forth? Voices from within are making themselves heard to-day. Heed them, and do not forget. Learn by what affections, generosities, activities, and virtues you may commend yourselves to the common regard and love of men. Understand, also, by what indulgences and passions one may mar his life and work toward the undoing of himself. Deplore

the follies and vices of other men, and harbor not the same in your own bosoms. Be ever mindful of Him who rules in providence, without whose notice not a sparrow falls, and break not his wise laws. In your sin and sorrow, go to Him with whom is forgiveness, the world's blest Redeemer. And as you would fain be adjudged by Him to blessing and honor in the great day of assize, live ye so that He cannot but say, "Well done: enter into my joy."

> "So live, that when thy summons comes to join
> The innumerable caravan which moves
> To that mysterious realm where each shall take
> His chamber in the silent halls of death.
> Thou go not, like the quarry slave at night,
> Scourged to his dungeon; but, sustained and soothed
> By an unfaltering trust, approach thy grave
> Like one who wraps the drapery of his couch
> About him, and lies down to pleasant dreams."

Nay, more: Live so that ye may rise toward the rapturous triumph of Him who said, in full view of his exit from the world: "The time of my departure is at hand: I have fought a good fight: I have finished my course: I have kept the faith. Henceforth there is laid up for me a crown of righteousness, which the Lord, the righteous Judge, shall give me at that day."

EDWARD J. C. KEWEN.

By J. G. Howard,

Author of the "Blove Papers."

This gentleman's father, Captain Kewen, a native of the Emerald Isle, emigrated to the United States a short time previous to our last war with England, and acquired much military distinction at the battle of New Orleans. Locating a trading post upon the Tombigbee in 1820, in a region almost uninhabited save by savages, he succeeded in a very few years in accumulating a large fortune. By his marriage with a Miss Weaver, an accomplished lady from Tennessee, he had issue three sons, the eldest of whom, and the sole survivor, is our present subject.

Captain Kewen forfeited his life in a duel, leaving behind him a brilliant reputation as a soldier, and an unspotted name for integrity.

Edward J. C. Kewen was born at Columbus, Mississippi, Nov. 2d, 1825. At thirteen years of age he became a student in the Wesleyan University, located at Middletown, Conn. He had been there some three years, when the untoward speculations of his guardian hurried him to his Mississippi home; and he arrived there to learn that his once princely inheritance had dwindled down to a mere pittance. Thus reduced from affluence to comparative poverty, with his two younger brothers dependent upon his exertions for subsistence, he resolved upon the profession of the law. He betook himself to solitary study, with a

persistence and assiduity almost unprecedented in those of his extreme youth.

He had reached the age of nineteen, with but few acquaintances and associations in his native town. This was in 1844, in the midst of a most exciting political contest. By some means he was selected to deliver the opening address before what was then styled a "Clay Club." His primal effort on that occasion acquired for him at once an extraordinary reputation for oratory. His extreme youth, peculiarity of style, copiousness of diction, earnestness and polish of manner, gave him sudden and unwonted fame. He was seized upon by the leading spirits of the party to which he belonged, in a section of country distinguished for its eloquent men, as one of their most efficient speakers, and dispatched to remote sections.

The writer of the present notice has heard an incident illustrative of young Kewen's daring and fervid elocution. At a prominent point in his native State the people of both parties had massed together to enjoy barbacued provisions and the attrition of oratory. Two whole days had passed away in the social and politieal revel, but very much to the discomfiture of Whig doctrines. Such giants as Geo. R. Clayton and H. L. Harris and Jno. B. Cobb, from unaccountable reasons, had failed to present themselves to effulge upon the beauties and strength of a protective tariff and other germane Whig topics. In despair, and at the very finale of the meeting, the young stranger Kewen, a beardless boy, was reluctantly thrown before them. He had now some experience, it is true, in public declamation, and youth has its magnetism and sympathy; yet, they say astonishment soon melted into earnest admiration, and the comparative boy ran away with the hearts and the judgments of the serried crowd. Regardless of party discrimination, they did a strange thing for that region. They seized hold of the juvenile orator as he finished his glowing peroration, and bore him around upon their shoulders, and would not be content until he had given them another specimen of his eloquence the same night in a neighboring court-house.

Such triumphs are very rare. After the election of 1844, Mr. Kewen became the editor of the Columbus *Whig*, and remained in that occupation for two years.

Removing to St. Louis, Mo., for the purpose of practicing law, and meeting with peculiar success, we find him again upon the hustings after the nomination of Zachary Taylor for the Presidency. The papers of that day teem with the most extravagant encomiums upon his oratorical abilities. In commendation of his forensic efforts, partizanship lost its rancor, for praise flew equally from his opponents as his friends. In his fervid pilgrimage he traversed several of the Middle and Southern States.

The reader of this sketch has already detected in its subject a peculiar restlessness so characteristic of men of his ardent temperament, and will not be surprised to learn that he became one of the innumerable throng that hurried to this western El Dorado some twenty years ago.

Perhaps the blind boy, Dan Cupid, was one of the impelling causes of his sudden migration. It is very certain that he fell in with the caravan of Dr. T. J. White and family, and meandered across the "plains" in their companionship, and became the fortunate husband of the Doctor's accomplished daughter upon their arrival at Sacramento, December 10th, 1849.

It would seem that his fame as an orator had anteceded him. Some occasion prompting it, he was summoned to the rostrum the very day his weary footsteps first traversed the then primitive city of Sacramento; and his instantaneous popularity was evinced by his election to the responsible office of Attorney-General by the State Legislature soon after his advent upon our coast. This office he resigned, as it compelled his residence at a distance from his adopted city, in which he had sprung into a lucrative practice in his profession.

If other evidences of moral and physical courage were wanting, his character in this respect was especially manifest in his enlistment against the Squatters, who, at that early period of our history had banded in murderous clans. Under threats of assassination, he boldly repaired to one of their convocations on the Levee, and succeeded

by the audacity of his tongue in dispersing the threatening and insurrectionary crowd.

In May, 1851, he was nominated as a candidate on the Whig ticket for Congress; and it was in that canvass that he displayed the full maturity and strength of his peculiar powers. Often speaking several times during the same day, he seemed exhaustless in mind and body. Though unsuccessful, the small majority obtained by his opponent was a high compliment to the zeal and eloquence of Col. Kewen in a State Democratic at the time by many thousands.

Leaving Sacramento in the summer of 1852, for San Francisco, he practiced his profession in the latter city with eminent success, until his restless and daring mind drove him into a new career. His brother, A. L. Kewen, second in command to Col. Walker, was shot and killed in the first battle of Rivas, Nicaragua, in June, 1855. Thomas, the youngest of the three, had died the preceding year on the Island of Tabogo in the province of Panama. Alone in the world, and we may naturally suppose, brooding in deepest melancholy over the early death of his only and loved kindred, it is not surprising that one of his ardent and generous impulses would seek relief in the first daring enterprise that offered. He was an intimate friend of Col. Walker, and had hitherto resisted his earnest importunities to embark in his wild adventure. Walker, now the military head of the new government, welcomed him with open arms, and at once commissioned him as the financial agent of the Republic; and it was not long before he became a member of a judicial tribunal organized to adjust the rival claims of Vanderbilt and Garrison & Morgan. The result of the deliberations of that body was, that Vanderbilt was indebted to the Rivas-Walker government to the amount of one half million of dollars. Pending the decision, were fought the memorable battles of Rivas, Massaya and Granada, in each of which Col. Kewen took an active part as aid to Gen. Walker. Though disapproving the measure, Col. Kewen was instructed to take possession of the steamers belonging to Commodore Vanderbilt, plying on Lake Nicaragua. That

arbitrary and impolitic act, in which he was made the unwilling agent, resulted in the disastrous consequences that he predicted to his superior. It drove the powerful capitalist to collide with the authorities of Costa Rica, and eventually caused the ruin of the Walker dynasty.

The Colonel was now dispatched upon an embassy to the Southern States of our Union for additional means and forces. Establishing his head quarters at Augusta, Georgia, he soon succeeded in rallying about him a force of eight hundred men, completely equipped with ample supplies of provisions. The enthusiasm with which he was greeted and the ready response made to his persuasive appeals, are part of the history of our country. He had just negotiated with his former friends, Garrison & Morgan, the conveyance to their destination of his forces and implements, when the news reaehed him of the capture of Walker by Com. Paulding, under instructions from Washington. And so terminated the Rivas-Walker government, and with it were dashed the hopes of its most efficient and brilliant supporter.

In December, 1857, the Colonel returned to San Francisco, and in January of the succeeding year became a citizen of Los Angeles, where he has since resided. In his new abode the people have once elected him to the office of District Attorney, and have twice dispatched him to the lower branch of our State Legislature. In the Presidential campaign of 1868, he was complimented with the highest number of votes as an elector on the Democratic ticket.

We have thus sketched in brief the leading incidents in the life of one of our most prominent citizens. Perhaps no man is so thoroughly known within our State limits as Col. E. J. C. Kewen. Of manners peculiarly genial, and a temperament ardent, enthusiastic and restless, and impulses generous and noble, and a tested courage more often mettlesome than discreet; charitable to profusion, he is essentially the finest type of his combined Celtic and Mississippi origin. Such men often provoke enmities, but only to melt into enduring friendships.

His oratorical abilities, so eminently peculiar, have

often been condemned by those most fascinated by their display. Criticism has always been launched at eccentricity. The scholar, while he wonders, condemns the strange affluence of diction that floats before him in such luxuriant profusion. Seldom before did man have such command of language. It is as exuberant as the monthly growth of the tropics—as gushing as the warble of the wild bird. Under proper control, and with the woof of logic, it is the richest gift of intelligence. Those that heard the Colonel ten years ago, and wondered at and deplored this wild luxuriance, will now admire how he has subjected this verbal wealth to logical control. Had Colonel Kewen confined himself, without political and other deviation, to his profession, there is no doubt he would have attained in it the rarest eminence. He possesses strong reasoning abilities. He will yet, if his life be spared, and his ambition so lead him, occupy prominent positions in the councils of our country. He has not reached the full fruition of his powers. He has a reputation unequalled upon our coast as an advocate and a public declaimer. The storms of his life are over. Practising his profession, at Los Angeles, and surrounded, at his beautiful home at Lake Vineyard by his accomplished wife and his little ones, he is ever found the amiable and polished and hospitable gentleman.

Oration by E. J. C. Kewen,

DELIVERED BEFORE THE SOCIETY OF CALIFORNIA PIONEERS, SAN FRANCISCO, SEPT. 9TH, 1854.

Mr. President and Gentlemen of the Society of California Pioneers:

ANTIQUITY comes to us revealed through the marvelous but fascinating illuminations of tradition and fable. We look back to the classic period of the reign of Olympian deities as to a dream of enchantment, or a vision of romance, The achievements of men and heroes under the auspicious protection of favoring gods, have elicited the admiration, invoked the envy, and challenged the emula-

tion of the heathen world. The establisment of vast empires and the foundation of mighty cities are also among the beatific visions of the fabulous ages. Imagination reverts to those periods of magnificent progress, and while it revels in bacchanalian wantonness amid the attractive recollections of the past, the mind becomes amazed, and confidence is startled by the suggestions of pagan incredulity.

The infant days of the world are indeed regarded with peculiar feeling. All that is bright and glowing, all that is enchanting and beautiful, and all that is miraculous, we have been accustomed to associate with the earlier records of mankind. The charm of infatuation lingers around the story of Ulysses and the Trojan settlement under the blue skies of Italy, and delightful are the recollections recurring to the period when Ilion resisted the shock of Agamemnon's arms, and distant Colchis became the destination of the freighted Argos.

In our own country, and in our own history, too, can we look back as to a classic era. The strange but eventful history of Fernando de Soto, the marvelous and ambitious projects of Juan Ponce de Leon, the fascinating story of Pocahontas, and the singular vicissitudes in the fortunes of Raleigh, seem but the embellishments of fancy, the dreams of fiction, the glowing colorings and splendid creations of modern romance. Around them, as around the funeral games of Patroclus and Anchises; around them as around the allurements of Calypso and the fascinations of Armida; gathers the fabulousness of antiquity.

But brighter than the felicitous visions of the Greek, more magnificent than the fancies of the Roman, more glorious than the dreams of the bards of Castile, and more thrilling than the early marvels of American history, is the strange, the electrifying truth —outsplendoring romance—of the acquisition, the growth and greatness of the golden Dorado of the Pacific. Antiquity evolves from its mysterious realms no parallel, tradition stands dumb, and fable is confounded by the reality of the nineteenth century.

The Ninth day of September, eighteen hundred and fifty, dawned upon the nativity of California and witnessed its baptism into the sisterhood of republics.

The hibernation and slumber of ages had kept it a sealed mystery to the universe. Among the almost forgotten explorations of adventurous navigators, we had caught an indistinct idea of a sterile country, sullenly ranging itself along the eastern front of the Pacific. Like the barrenness of El Ghor, which extended from the Elanitic Gulf to the Dead Sea, its sterility was imagined to reach from Humboldt Bay to the Gila. It slept under the seeming curse of desolation in the inglorious repose of careless and unheeding centuries. Wild beasts upon its mountains, browsing herds in its valleys, the sullen whoop of the Aboriginal, and trained exploits with the lasso, were its only evidences of vitality. Its hills were not, even in superstitious imagination, the habitations of oreads, nor its fountains the abodes of nymphs, nor its streams, nor plains, nor mountains, the haunts of any of the genii of fable.

It was a country destitute of romantic associations, destitute of traditional fame, destitute of the throbbing arteries of enterprise and ambition, and impoverished of all that ennobles, all that dignifies, all that makes chaste and adorns society and man. Buried in its wild and distant seclusion, immovable and passionless as the Egyptian Sphynx, like it, it seemed destined to "stare right on, with calm, eternal eyes," the monument of irreclaimable sterility and barbarism.

How marvelous the mutations of a few years! In the whole range of philosophy there is no subject for contemplation more sublime, in history nothing more wonderful, nothing as startling, nothing as analogous. The recesses of its occlusion were invaded by a spirit, which at once, as if by magic, dispelled the enveloping darkness of ages, disturbed the dreamless sleep of centuries, and penetrating the haunts of superstition and oppression, dissipated and destroyed them, as fluids glide into the fissures of rocks, and expanding by congelation heave them from their foundations or rend them into atoms.

The illustrations of that spirit are around us to-day. They are visible in every object we see, they are incorporated in every sound we hear. It is the spirit of American progress, the spirit of American freedom.

Before the sanguinary war which rescued California from the despotism of degenerate Mexico, before the ratification of the treaty of Queretaro, the pioneer from the valley of the Mississippi had stood upon the summit of the mountain of rocks, had traversed the burning deserts of Pah-Utah, had braved the dangers of the Sierras, and penetrated the forests of the Occident. Then it was that the vagrant fancy of the poet might have been deemed the inspiration of prophecy:

> "A star is trembling on the horizon's verge:
> That star shall glow and broaden on the night
> Until it hangs divine and beautiful
> In the proud zenith."

War was not necessary to the attainment of this land of gold. Treaties might have facilitated but could not have prevented its acquisition. The foot of the Anglo Saxon had already pressed the soil which, like the Hebrew Chieftain shorn of his locks, reposed in sensuality and despotism, and destiny decreed what human power was impotent to avert. The explorations of the Pioneer developed the magnitude of the country, the fertility of its soil, the fecundity of its productions, the nature and abundance of its resources. A new light darted on the American mind, a new impulse was given to American enterprise, and the genius of progress expanded its vision westward to the Pacific. The land that had been forgotten for ages, the land that was despised of nations, the land that was fibreless, and soulless, and barren in history, became the alluring goal of adventure, the fascinating destination of ambition.

Like the South American hunter who, carelessly plucking a root

from the earth, discovered beneath a glittering mine of untold wealth, the Pacific adventurer, toiling in the channel of an unpromising stream, chanced upon a nugget of sparkling gold, in which was destined the revelation of exhaustless treasures, in which had reposed the secret of nearly two thousand years, and from which was evolved the flattering promise of unparalleled greatness. At once a mighty throng of pilgrims turned their faces towards the setting sun, and gazed upon that declining luminary as resting upon the Mecca of their worship. The land that had slept under the shadow of barbarian oppression had become resplendent with the light of promise, brilliant with the hope of freedom, and radiant with the destinies of humanity. Over barren plains and scorching saharas, over sterile hills, through valleys fragrant with flowers and embosoming refreshing streams, along the defiles of rugged mountains, and over the summits of snow-capped Sierras, the tide of emigration incessantly flowed. The wave of population fertilized the neglected shore of the Pacific, and it now teems with populous life, with "fair women and brave men," with all the emblems of greatness, with all the insignia of permanent prosperity.

How different, too, the aspects of nature from the blank sterility with which it was invested by our primitive imaginations.

In the history of Greece, we are enchanted with the descriptions of consecrated groves; we read with rapture of azure mountains, of flowing plains, of golden isles, and sunny fountains; but beneath this western sky are revealed as splendid attributes of nature as ever attracted the eye of the Grecian in the palmiest period of his country's glory. Ionia never boasted of fairer skies, Italy never rejoiced in a firmament more deeply blue, France never produced the luscious grape in more luxuriance, and never exhibited greener fields or more exuberant gardens; Germany never revealed sublimer forests, and Switzerland grander mountains, nor more romantic scenery than meets the gaze of the wanderer on the Pacific slope. But lovelier than the cerulean of its skies, more to be prized than the estuaries of its coast, sublimer than the undulations of its surface, greater than the exuberance of its products, more magnificent than the sublimity of its mountains, the placidity of its lakes, the abruptness and grandeur of its scenery, is the symmetrical edifice of its republican construction. Virtue and industry form the basis of its morality, shrewdness, wisdom and sagacity the distinguishing features of its mind, simplicity the proof of social excellence, and progress the aim and end of its political aspirations.

A few years have wrought indeed a wondrous change in this land of gold. The past is like a dream, and the present seems almost the illusion of enchantment. The lamp of Aladdin was not more efficacious in the sudden erection of gorgeous palaces, than has been the magic of human industry in creating out of shapeless sites palatial cities, and from reluctant soils flowering fields and exuberant gardens. Antiquity has been revived in more than pristine splendor. Its buried cities, with their temples far-reaching towards Heaven, with their magnificent pillars, their ornamental

columns, their chariots speeding through busy thoroughfares with steeds fiery as those of Diomedes; their fountains playing and sparkling in the sun-light, and all their glittering wealth of costly luxuries and elegant refinements, have been disinterred and gorgeously reproduced in this auriferous land. The spirit of necromancy has been abroad, and in obedience to its conjurations, mountains have been leveled, valleys have been unlifted, streams have been diverted from their channels, forests metamorphosed into cities, plains compelled to groan under the weight of vegetation, and the wilderness made to blossom as a rose, and dispense fragrance as a garden. Sanctuaries for worship, shrines for holy chalices, temples for learning, marts for commerce, and lists for the tourney of enterprise and ambition, are among, too, the gorgeous creations and glorious fruitage of the magical incantation.

Such is the unornamented picture of California to-day. The Poet *was* prophetic. The "star that trembled on the horizon's verge" *has* "glowed and broadened on the night," and "hangs divine and beautiful in the proud zenith," an illumination to the world, and a planet of hope to mankind. It is the Bethlehemic star of promise to the involuntary servitors of despotism, under the resplendent light of which the gloomy night of absolute sovereignty will be dissipated, and bowed heads will be uplifted, and manacled limbs will be unloosened, and broken hearts will be healed in the glorious and exulting consciousness of disenthralment.

The splendid consummation of the acquisition of California was not the result of accident. It was the effect of the slow, steady, but certain operation of a principle coëval with time and ever instinct with vitality. It was this principle which six hundred years ago, impelled our ancestors to obtain from King John, at Runnymede, a charter of liberties. It was this principle which in the revolution of 1688, wrested from the throne the concession of a declaration of rights in the people. It was this principle which inspired the Genoese adventurer with the belief of the existence of a new continent. From the time when, concealed from observation under the canopy of night, he kept unremitting vigil, and with faint heart and despairing hope ranged his anxious eye along the dusky horizon in search even of the vaguest indications of land, when the gun from the Pinta gave the joyous signal of the discovery of the New World, until now, this principle has been steadily working, and gradually but inevitably consummating its magnificent mission. Its illustration was seen and its influence felt in the expedition of the Mayflower. It was visible in the concerted action of the American colonies, in the solemn proclamation of sovereignty in the people, in the successful struggle to maintain that declaration, in the subsequent formation of thirteen separate independencies into a confederated government, and in all the successive extensions to the territorial dominion of our wide and expanding republic.

It is the grand, the sublime, the regenerating principle of democracy.

The immaculateness of that principle has not been without its infidels and its scoffers. We have been told that the plain, the solid and quiet mass of the people can never be benefited by an extended government. We have been pointed to the results of National cupidity, as giving little of glory or dominion to the architects, the builders and preservers of a country. We have been reminded that only the senators, the consuls and emperors of the buried nations of the past have reaped the harvest of splendor enriched with the people's blood. We are not blind to the truths, nor unheedful of the admonitions of history. We know that the dependency of Medea was made by Cyrus the head of a magnificent empire, and that as the military power was strengthened, the people of Persia sank to the degraded level of the subjugated nations. Carthage too, ambitious of sovereignty, lengthened her sway until the cord of dominion was rent in fragments. The spirit of constitutional freedom was suffered to decay, and its people became a part of the common degradation that fell upon the shattered provinces, owing to the fresh-risen sway of the sword. In later times, the invincible Mahommed and his successors traversed vast regions and established splendid governments, but Arabia shrank back again into poverty and barbarism. The same result followed the Venetian and Genoese conquests in the Levant. Turkey conquered, and her turbaned subjects became a nation of slaves. The acquisitions of Spain under Charles the Fifth converted the Castilian court into an absolute tyranny. Portugal, whose dominions once almost girded the earth, fell, crushed by a kindred destiny, and wherever the spirit of conquest or territorial aggrandizement has not been governed by a saving and qualifying principle, the government has strengthened into despotism, and the people have been debased into servitude.

The beautiful fabric of American government remains not only unimpaired by territorial acqusitions and the magnificence of dominion, but stands more majestic from each additional gem of its glistening diadem of sovereignty, and more invincible from its accumulated sublimities. Bursting into existence through the development of an imperishable principle, growing, spreading, magnifying into colossal greatness and palatial beauty under its vivifying influence, it is destined, under the auspices of the same great immutable principle, to refute forever the dogma of the skeptic, and the insane predictions of political vaticinators. It will stand the monument of ancestral wisdom—adamantine and eternal as the pyramids of antiquity—magnificent in design, glorious in consummation, brilliant in progress, colossal in grandeur, luxuriant in mental development, and breathing refinements which, like the pendulating flower gardens of oriental sumptuousness, will diffuse a fragrance that will float forever in the atmosphere of history. Experience concedes, Truth acknowledges, and Philosophy as she traces upon the horoscope of nations the shadowy presages of their destiny, admits this ultimate result to be the vision of reality and not the pleasing dream of enthusiasm.

The latest and most important development of the principle of Republican progress, is the incorporation of the Pacific coast into the fraternity of free governments. Anterior to its acquisition, the history of California was a stupendous blank, which, like the sphynx upon the Egyptian sands, gave no response to the questionings of the curious, and revealed nothing for the enlightenment of mankind. To-day, it is a compendium of all that is marvelous in history, all that is beautiful in romance, and all that is miraculous in reality.

What shall be its future?

We have already said that the physical aspect and properties of the country are all that the most exacting imagination could desire. It presents a brilliant and enchanting prospect. It is unsurpassed in the loveliness of its landscapes. It is unsurpassed in the sublimity of its crowded assemblages of hills and valleys. It is unsurpassed in the magnitude of its trees, beneath the umbrageous dome of whose foliage a Sybarite might repose in coveted luxuriousness. It is unsurpassed in the beauty of its flowers, diffusing aromatic odors and freighting the air with delicious fragrance. It is unsurpassed in the fantastic groupings of its mountains, exuberant with verdure, beneath which lie buried the untold treasures of past and prospective ages.

It is not, however, its physical properties alone, which constitute a state. Nor is it magnificent cities, with their adornments of temples, and columns, and majestic shrines, and glittering mansions, and winged palaces of the ocean. It is men—noble, high-minded men, governed by principle, controlled by patriotism, by high resolves, and a lofty and unsullied ambition, which constitute a prosperous commonwealth. It requires something more too, than the manual capacity to build magnificent structures, to subdue forests and mountains, to reclaim morasses, to cultivate fields, and to guide to their destinations the peerles clippers of our bays. The theory of our government rests on the solid substratum of mind; its prosperity depends on the growth of its intellect, on the sublimity of the virtues and the universality of the intelligence of its people.

> "Life's more than the quick round of blood—
> It is a great spirit and a busy heart."
> "We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most—feels the noblest—acts the best."

As Americans, we can proudly and exultingly point to a galaxy of great names, whose genius has lit up fires of thought, the illuminations of which have not been limited to our own borders, but have extended across the broad expanse of ocean, and shone with competing lustre upon the favorite shrines of trans-Atlantic intellect. Genius of every land, in every form of development, has hailed and recognized in the western hemisphere its similitude, its immortal counterpart. The eloquence which has conferred an immortality on Westminster, has resounded with equal celebrity with-

in the walls of the American Capitol. The bursts of inspired oratory which have swayed the mind and heart of France, as the moon governs the currents and tides of the ocean, have also, in our land, consecrated to fame names as brilliant as ever went down the tide of time on the historic page. It matters not, whether in Science, or Philosophy, in Arts or in Literature, the mind of America has grappled with the great intellects of the world, and the conflict has served to eternize its renown. The melodies exuberant with poetic images, inspired by the golden sunsets of Italy; the songs like those of the Teon Poet, so full of life, of sprightliness and joy, which receive their colorings from the vine-clad gardens of beautiful France; the sweet verses that sounded a sweeter music than the "murmurs of the living brooks" under the inspired minstrelsy of the Bard of Rydal Mount, have been re-created in as admirable forms, and with the same weird powers of enchantment beneath our own gorgeous skies, so full of inspiring beauty and magnificence. America boasts indeed no Elizabethan Age of Literature, but the foundations of her literary fame are as fixed as the eternal granite of her mountains, and its superstructure and its spires pointing hopefully towards Heaven reflect the glory of its ever-shining stars.

The physical attributes of our Republic favor the loftiest developments of mind. There is scarcely anything in nature that exceeds the grandeur of American scenery. In the sublimity of its aspects, in the solemn heights of its mountains, in the verdure of its plains, in the beauty of its forests, in the diversities of its climate, the freshness of its fountains, the sparkling flow of its streamlets, and in the beautifully gliding currents of its rivers, there is inspiration as deep and fervid as ever visited the wanderer upon Parnassian heights, or loiterer lingering with ecstatic vision around the Castalian fountain. The magnificent properties of the physical world have stimulated the pride, the faith, the hope and ambition of American intellect. It has done much, but there is yet infinitely more to accomplish. The field has only been entered, not explored. The mountains continue to loom up in solemn grandeur, with their summits like that of Tabor, crowned with an eternal sun, or concealed in snow, and mist and cloud. The valleys are still emerald with verdure. The plains sparkle with the wealth and effuse the aroma of blooming flowers. The brooks flow by in babbling sweetness. The rivulet plays in fantastic eddies and laughingly leaps onward in its course. The majestic rivers pursue their sinuous windings, and each and every object in nature invites enterprise, and freshness, and spirit in the domain of high thought, which shall revive a literature nobler than that which flourished in the golden age of Augustus, and more brilliant than shone on England's fame from the illustrious precincts of Twickenham, Keswick and Newstead Abbey.

The accession of California to our government enlarges the sphere of productive thought—extends the already expansive field of literary enterprise. Its mountains inlaid with gold, its cañons with precious gems, its placers brilliant with ores of priceless value,

its plains sparkling with auriferous sands, its rivers imbedding the costliest minerals, its valleys fertile with the wonderful productions of the vegetable kingdom, and its bays floating on their bosoms the argosies of an unrivaled commerce, all act as incentives to the cultivation of mind, and invoke the loftiest thoughts and noblest impulses of the patriotic soul.

But alas! the idol of California worship has been a lifeless, tuneless, Plutonian statue. There has been exhibited little adoration of the Deities which preside over the destinies of Literature, Science and Philosophy. The lust of gain, and not the thirst of the immortal spirit that pants after high thoughts and Promethean inspirations, has been the guiding, governing and insatiable passion of the youngest and fairest in the sisterhood of states. Its conflicts have hitherto resulted in sordid achievements, and its aspirations have looked only to the ignoble triumphs of which the accumulation of pelf is the consummation and the goal. No lofty enthusiasm has yet awakened into existence an order of intellectual Palestræ, who, with a constancy as enduring as martyr's faith, would drink draughts of perennial freshness from the classic fountains of the Past, and revive by their learning, their wisdom, and their genius, the glory and renown of the ancient Academe.

It is a sad reflection that the only lesson our people have studied with earnestness and practiced with assiduity, is Iago's advice to Roderigo—"put money in thy purse."

The first flush and fever of the excitement has passed away. The madness that engrossed the energies, and absorbed the soul, has lost something of its direful paroxysm. The infatuation, which seized the heart and subsidized the brain, is relaxing its tyrannous hold, and glimpses of returning reason are beginning to be revealed. The dawn of a better day is approaching. Over the darkness of the prevailing despotism a pale star trembles on the brow of the awakening morn. It is the planet which heralds the rising and culmination of the sun of Literature. While the busy hum of Plutonian worship is sounding along the thoroughfares, in the mart, and elsewhere, where the spirits of avarice "most do congregate," there *are* some who, shunning the crowd of mammon idolaters, with patient vigil and unwearying toil, are planting the seeds of thought, which will germinate and blossom, and bring forth fruit more precious than the golden apple of the Hesperides—fruit delectable to the intellectual taste of man, and worthy the refection of the Gods.

"Let me make the songs of a people and you may make their laws," was the cunning and sagacious aphorism of Fletcher, of Saltoune. The power of literature represents indeed the potent virtue of the minstrelsy of Adphion—the moral efficacy of the lyrics of Orpheus. By a single poem of his own the wise Solon of Greece infused that spirit into Athenians before which Salamis was reduced to shapeless ruin and consigned to inscrutable oblivion. The hymns and invocations of ancient bards, Hesiod with his theogony, and the blind old harper of Scio with his Illiad, his Odyssey and his songs, created laws, systematised religions, gave animation to symbols,

personality to immaterial substances, and consciousness to the invisible attributes of nature. Once a caliph of Persia pointed to his scimitar and his bands of trained servitors as the only legitimate arbiters of disputed succession. "This," said he "is my pedigree and these its supporters and its proofs." A free government points alone to the mind and morality of its sons as the only equitable foundation of public or private sovereignty. The intellectual and moral spirit of our government will abide upon the earth as the redeeming spirit of after times, and will be transmitted from one generation to another like the inextinguishable fire of the Grecian temples, till all the nations are filled with its meridian-like resplendence.

This is not the Utopian vagary of fancy. In the consummation of this magnificent destiny California will be pre-eminently instrumental. The splendid reality of free government has already been demonstrated by the example of America, and an impulse given to its eternal principle of regeneration which has rescued the millions of France from the yoke of feudalism, which has given to unhappy Ireland the relief of partial emancipation, which has agitated England with the purifying fires of revolution, and which has involved the whole of Europe in convulsions for the fruition of republican happiness. The admission of California has brought us in social and commercial contact with nations whose century-silent portals are opening at the magic of our behest, and revealing to our acquisition the treasures they have so long incontinently concealed. Hither have flocked the emigrant bands of Asia. Hither have sped the Mogul and Mongolian. Hither the Malay of Sumatra and the Hindoo of the Ganges. Hither have wandered the inhabitants from the frozen regions of the Neva and the Baltic, and the turbaned denizens from the banks of the Bosphorus and the Danube, and hither are turned the anxious eye and aspiring hope of the millions of Japan, of the East Indian Archipelago, and the islands of the sea. This fantastic grouping of humanity, this motley assemblage of contrary characters and antagonistic creeds, gives the most cheering promise of the dawn of universal freedom. Thrown in continual contact with the votaries of republican enlightenment, forced by the necessity of their position into a familiarity with the character of our people, our laws, our institutions and our government, they become imbued with thoughts, feelings and principles which are transmitted to the homes of former seclusion, and made the germs of social, moral and political emancipation. This fusion of so many opposite qualities into the American alembic is the source of more legitimate power over the despotisms of earth and the treasures of the world than ever was symbolized to catholic faith by the key or the crown of St. Peter.

In olden times the defences of imperial Rome were broken down and desolated by the brutal horde of the Gothic conqueror, and the savage Attila brandished his gleaming sword in triumph over the "Eternal City." The last pale light which glimmered from its capitol for the renovation of man, was extinguished by the inundation of

barbarian victors, and by the dastard infamy of the degenerate Roman. That twinkling illumination was revived in the tragedy of Yorktown, and from the American capitol its rays, dimly extending over thirteen independent sovereignties, have gradually glowed and broadened until the whole ocean-bound continent basks in the ineffable splendor of their noontide effulgence. Reversing too, the precedent of Roman degradation, its brightness preserved like a vestal flame, has dazzled the heathen in his blindness, has subdued the ravaging spirit of the Goth, has caused to be mutilated the century-grown defences of superstitious occlusion, and is permeating with lightning speed, and with the efficacy of lightning terrors, the shadowy dominions of the hoary despotisms of the Orient. Glorious in prospective is the destiny of our Republic.

But enough of inquiry of the past, enough of speculation as to the future glory and dominion of America. The present with its train of alluring associations, demands our thoughts and exacts a tributary offering. I am surrounded by a pageant rivaling in splendor the triumphal celebrations of Rome in its pride of power, and in its haughtiness of supremacy. This glittering pageant is more than an empty parade—more than an idle exhibition. It represents the vanguard of civilization and freedom on the Pacific shore. It commemorates the transplantation of Republican principles in the remote regions of the Occident. It is composed of stout hearts and sinewy arms, of men of brilliant courage, adventurous daring, stern resolves, intrepid energy and fearless enterprise—attributes which everywhere distinguish the PIONEERS OF REPUBLICAN PROGRESS. It is significant of the achievement of greater results then ever were contemplated by Czar of Russia or Turkish Sultan as the fruit of extended empire. It is a proud and happy pageant of enlightened freemen exulting in the triumph and growth of the ever vital and regenerating principle of democracy.

It was indeed a period of patriotic exultation when California, the dependency of a degenerate empire, was rescued from the grasp of degrading sovereignty, and with its mountains of gold, and its hills and its valleys, and its streams and its rivers, all impregnated with glittering wealth, became incorporated into the sisterhood of American States. The pride, the glory and exultation of the achievement belong to the intrepid explorers of the mountains, the pioneers of the desert and the wilderness. Inspired by a lofty courage, moved by a Providential inspiration, and sustained by an unfaltering confidence, the pioneer severed himself from the endearing associations of home and kindred, from native ties, from tender memories of affection, from all his cherished household gods, and launched forth into an untrodden field of exploration, adventure and enterprise. Over arid plains beneath a scorching sun, over valleys and hills, mountains and rocks, and waterless wastes and burning sands, unawed by pestilence, unterrified by menacing dangers, and fearlessly combating the horrible spectres of want, and hunger and destitution, he kept his onward course towards where the burning axle of the chariot of day is bathed in the cool-

ing waters of the western ocean. Despite the eminent peril which environed his pathway, despite the toil, the heart-sickness, the weariness and exhaustion, his soul was steadfast and invincible. Like the Alpine adventurer to whom "Excelsior" was the enlivening magic of recuperation, the visions of freedom, and fame, and fortune, were the magical revivers of the exhausted and failing energies of the dauntless pioneer.

At length, like Moses on the summit of Pisgah, he stands upon the snowy heights of the Sierras, and his eyes sparkle, his brain reels with tumultuous pleasures, his bosom heaves with ecstatic emotion, and his noble soul expands with patriotic enthusiasm as he catches a glimpse of the far-off Canaan of his imagination—the golden land of promise. More fortunate than the law-giver of Israel, an angry God has not arrested his footsteps, nor doomed him to perish, in view of the alluring goal of his ambition. With fresh courage and revived hope he is again amid the defiles and fastnesses of danger-haunted mountains, with steady eye and patient steps, and persevering toil, pursuing his undeviating track. Calmly, majesticallv, with proud heart and defiant energy, he subdues every opposing obstacle, overcomes every difficulty, conquers every peril, and at last with triumph on his brow and exultation in his heart, he plants his foot upon the coveted shore and dedicates it to GOD, to FREEDOM and his NATIVE LAND.

In the histories of past ages and nations, there are names that will live in enduring remembrance while freedom exists on earth. The virtues and patriotism of Epaminondas perpetuate his name as the brightest that adorns the history of Theban Independence. The courage of Hannibal, whose conquering legions traversed the Alps, and overswept the classic plains of Italy, is indelibly associated with the unforgotten glory of Carthage. With Athens is identified a galaxy of her brilliant sons, and clusters of constellated names adorn the coronal of Roman fame. But in the cycle of coming years, when the pen of the historian shall trace the origin and settlement of this occidental commonwealth, shall depict the virtues, the sufferings, privations, fortitude and intrepidity at the basis of the achievement, shall describe the mighty impulse it has given to the progress of free government and extension of free principles, and shall glisten the truthful page with the names of the heroic founders of its fame, there is none that will gem the record with a purer or more enduring lustre than the name of the immortal SUTTER—the illustrious ORIGINAL of CALIFORNIA PIONEERS.

In the immigrant throng aspiring for the western bourne, there came other than manly forms and brawny arms, and hearts of iron will and fierce determination. The perilous travel, the waterless desert, the fatiguing sands, the exhausting ascent, the fear, the doubt, the trembling hope and final exultation, were destined not for man alone. Nor was the desertion of home, nor the abandonment of friends, nor the relinquishment of ties that rend the heart, the bitter fruit alone of manly privation. There were gentle beings, with loving hearts and melting eyes, and faces fair as the

houris of the Moslem's Eden, who, rising superior to the wilfullness of Orpah, and betraying the self-sacrificing devotion of Ruth, exclaimed each to the treasured object of worldly affection, and hope, and trust—"Whither thou goest, I will go; where thou lodgest, I will lodge; thy people shall be my people, and thy God my God." It was a pure, a sublime, an exalted devotion—a devotion not unlike that of Mary's at the sepulchre of the Redeemer. Turning for ever their fascinated gaze from the cherished haunts of nativity, with confidence, and courage, and heroism, they too, followed the illumination of the star of empire, alluring them to the unexplored regions of the west. Fatigue did not discourage them, suffering did not dismay, sickness did not appall, peril did not intimidate. Emboldened by a lofty spirit, sustained by a noble pride, and encouraged by a fond ambition, they encountered with boldness the miseries of privation, the horrors of pestilence, the gloomy and foreboding apparitions of famine and death. There *are* recollections at which the heart recoils. There are scenes at the contemplation of which the soul shrinks in unutterable anguish, the warm blood freezes in its veins, and the quiet brain becomes distraught with intensest agony. The pen is inadequate to portray—the tongue is powerless to utter the appalling reminiscences that make up the record of woman's experience, or the patience and fortitude with which she endured it all, in the ultimate hope of becoming a mother of an unborn Republic. The toil, the tribulation, the sorrow and suffering have passed, and some—a few only—of the fair relics of the toilsome adventure, are gazing upon the enchanting spectacle of to-day—so like the illusory splendors of a summer dream—with joyous looks and beaming countenances, and hearts lifted with gratitude to the Dispenser of every earthly benefaction. In our hearts we greet them, in our hearts we bless them, and with grateful emotions extend to them the chief homage of this jubilant anniversary.

To you, fellow Pioneers, a word of congratulation and I have done.

This palatial city of San Francisco, with its luxurious mansions, its granite palaces and its costly marts of commerce, is the glorious fruitage of your adventure. The subdued waters of its bay, the extended lines of its quays, the busy hum of its thoroughfares, the exhibitions everywhere visible of its taste, its opulence and refinement, are the splendid creations and magnificent testimonials of your enterprise. Scourged as it has been by the devastating flame, retarded by natural obstacles, and at times inundated by swarms of lawless banditti, it has never been diverted from its onward progress, nor ceased to be the monarch wonder of the world. Like a young Titan, it has humbled the rugged wilderness, has upheaved the seated hills from their foundations, and with a conqueror's step has advanced along the pathway of progress like a prince to a throne. Its harbor glistens with a forest of masts belonging to the ships of every nation, which have poured and are pouring upon our shores the accumulated riches of the East, and vaster treasures from

every clime than ever freighted the galleons of Spain or the argosies of Venice.

Champollion taught the world to decipher the hieroglyphics on the obelisk the tombs and temples of Egypt, but a higher glory was reserved for the Pioneers of the Pacific, by whom was destined the revelation to mankind of its unavailing search of centuries—the western route to the commerce of the Indies and of the islands of the Eastern Archipelago. Coincident with the exhumation of golden treasures from the bleak summits of the Sierras, was the contribution to our shore of the riches of China and Japan, and the remote Islands of the Pacific waste of waters. One other acquisition and the glory of San Francisco will have reached its zenith. When the veins and arteries of commercial life shall permeate the broad expanse that separates the Golden Gate from the Atlantic, then will its magnificent destiny proclaim it the commercial metropolis of the world, outrivaling in commerce, in arts, in science and literature the renown of antiquity, and the boasted pretensions of modern greatness. If this sublime consummation is defeated, freedom will be deprived of its brightest hope, and a crime will be perpetrated against the social and political necessities of humanity, more wicked than that which classic fable has punished with the naked rock and the gnawing vulture. Promote this glorious enterprise, and the swelling splendors and far-reaching fame of this mighty continent will be imperishable monuments to the memory of the PIONEERS OF FREEDOM AND DESTINY.

CHARLES WESTMORELAND.

By R. P. Avery.

The name which heads this article was that of one of the most genial and pleasant men who ever devoted themselves earnestly to a good cause. Charles Westmoreland was born in Georgia, in 1829, of good ancestry. He was liberally educated, and possessed qualities which would have made him a popular leader in his native State; but his manhood had hardly begun when, in 1853, he came to California. After a brief trial at the hazards of mining, which every one made in those days, he turned his attention to law, literature, and politics. He was first prominently known as State Senator from Placer county, having been elected to that office on the Know-Nothing ticket in 1855. He was the youngest member of the Senate at that time, except Burton, of Nevada, being only twenty-six years old. His Know-Nothingism was only a temporary cloak for hostility to State-Rights Democracy, and after the dismemberment of the party, he allied himself with the Free-Soil Democracy of California under the leadership of Broderick, to whom he was warmly attached.

During his term in the Senate, he was intimate with the lamented Ferguson, who was killed in a duel with George Pen Johnston in 1859, and eloquently mourned by Col. E. D. Baker. Both were men of brilliant qualities and too social habits, though Westmoreland sub-

sequently led a more prudent life, and had made sure of an honorable career.

Subsequently to his legislative career, Westmoreland tried his professional fortunes in Oregon, where he made the acquaintance of most of the leading men of the day. He had returned to California before the rebellion broke out, and when that event occurred was residing in Shasta. As editor of the *Courier*, a weekly newspaper in that town, he distinguished himself by the strong Union ground he took, and by the vigor, wit, and sarcasm with which he assailed the Peace Democracy. Although a Southerner born, and with a wife and child behind him in Georgia, he never hesitated in his allegiance to the cause of the Republic, and was restrained by no prejudices born of "the peculiar institution."

After the election in 1861, when the Union men of the State were divided in rival organizations, he lent his influence to the movement for a consolidation of the loyal vote, and was largely instrumental in carrying the War Democrats of his county into the Union party which was formed in the spring of 1862. When leaders like John Conness seemed inclined to hold aloof from the movement, afraid of losing their personal consequence, he aided it with patriotic enthusiasm.

During the winter of 1862 and spring of 1863, he was associate editor of the *Marysville Appeal*, a conspicuous and influential Republican daily. After the nomination of the Union State ticket in 1863, he took charge of the *San Francisco Republic*, a warm campaign paper founded on the ruins of the old *Herald*.

At the first session of the Legislature which met under the amended constitution, in December, 1863, he was elected by the Union members of the Senate Secretary of their body, in recognition of his services to the Union cause. During the Presidential campaign of 1864 he was Secretary of the Union State Central Committee, in which position he contributed materially to organize the efficient canvass by which California was carried for Lincoln.

After returning from a short trip to Washington, he established himself in the legal profession at Arcata,

Humboldt county, continuing to be always an active Union partisan, and using both his voice and pen in defence of the most advanced Republican principles.

He was elected to the Assembly of 1867–8, and was the leader of the Republican minority in that body, defending his party ideas and measures in the face of a triumphant majority, with ready ability and eloquence.

He was a competitor with Chancellor Hartson for the Congressional nomination in the Northern District, in 1868. Failing of that nomination, he accepted a place on the Grant electoral ticket, and stumped his district until the close of the campaign. He was elected messenger to carry the vote of the State to Washington, and left San Francisco upon that honorable errand by the steamship *Montana*, September 4th, 1868. This was during the height of the memorable small-pox epidemic. He had contracted the disease, which developed itself on the voyage, and carried him to his grave at Panama, on the 25th of December. His friend William B. Carr carried the electoral vote to Washington by his appointment. Mr. Westmoreland was apparently in the best health when he left San Francisco. His tall and ample form, his rosy cheeks and fair complexion, his genial smile and gay conversation, seemed to be the indices of a satisfied mind, looking forward to an honorable career. He expected to meet a motherless son for the first time in many years, after a separation painfully prolonged by the war at the South. But it was not to be. That boy is now the ward of his father's friend, George C. Gorham, Secretary of the United States Senate. Congress passed a resolution appropriating for the orphan the money his father would have received as messenger. Westmoreland was possessed of a pleasing eloquence, both as speaker and writer. He was a witty and genial companion, a man of strong opinions and original expressions, and an enthusiastic idealist on the subject of equal rights and human progress. His untimely death was widely regretted. His former neighbors in Northern California have made arrangements to erect a monument over his remains in their distant place of rest.

EUGENE CASSERLY.

EUGENE CASSERLY, Senator of the United States from California, was born at Mullingar, county of Westmeath, Ireland, in 1822. His family was a branch of the O'Connors, and was formerly known as the O'Connor Casserlys, from a marked personal characteristic in one of his progenitors. His father and grandfather were both schoolmasters, and the latter a man of considerable influence among his neighbors and countrymen, with whom he took an active part in the Rebellion of '98, being at the head of one of the insurgent lodges whose ramifications permeated the middle and southern portions of the island at that time. He suffered severely in person on the disastrous termination of the attempt at Independence, and narrowly escaped with life.

Patrick Sarsfield Casserly, the father of the subject of the present sketch, emigrated to the United States in 1824, bringing with him his family, consisting of his wife and little Eugene, then two years old. It is reported, we believe with truth, that the father went directly from the ship to the Court-room to take the preliminary steps towards becoming a citizen of his adopted country, before he had even prepared a resting-place for his family. Immediately thereafter, he resumed the practice of his profession, and for many years was at the head of a well known educational establishment in New York city. He was a man of superior intelligence and culture, and was known as one of the best classical scholars of his day in the United States. He personally supervised the educa-

tion of his family, and being an enthusiast in classical studies, he commenced to instill the rudiments of Greek and Latin into the minds of his children at a very early age. Thus Eugene was studying Greek at five years of age—a period when few children now-a-days have commenced the study of their mother-tongue. The boy showed wonderful aptitude for the task, however, and progressed in his studies so rapidly that at a very early age he was enabled to render material assistance to his father in compiling and editing a number of classical educational works, with which the name of the parent is honorably connected. For a number of years—in fact, until he closely approached manhood—Mr. Casserly assisted his father in the conduct of his school; but when he touched twenty, or thereabouts, he determined to launch into the world on his own account and carve out his own career.

At the time we speak of, young Casserly's character and literary attainments had attracted the attention of a number of influential persons, prominent among whom was Dr. Hughes, then Bishop, and subsequently Archbishop of New York, who was his early, steadfast, and most judicious friend. When, therefore, he had determined to commence the battle of life, he found friends not unwilling to aid him, and although the conflict was at first a hard one, success soon began to smile upon his efforts.

Mr. Casserly's first attempts were directed to journalism, and he obtained the position of editor of the *Freeman's Journal*, then struggling for the position it has since obtained as the leading Irish Catholic journal of the metropolis. His marked ability soon told on the fortunes of that paper, and in a short time he succeeded in placing it on a permanent basis. At the same time, he contributed freely to many of the leading journals of New York, Boston, and Washington, and became well known to the editorial fraternity as a rising member of the profession, and there can be no doubt that had he continued in it, he would long since have attained to eminence therein. His ambition, however, led him in

another direction; and while yet engaged in the duties of editor, he entered himself as a student at law in the office of Mr. John Bigelow, then a leading member of the New York bar, subsequently one of the editors of the *Evening Post*, and more recently Minister to France from the United States. He was admitted to the bar in 1844, and was shortly afterwards chosen attorney of the corporation of New York city, a position of considerable emolument and patronage.

The "California fever," which prevailed so extensively throughout the Atlantic States in 1849, did not spare our young advocate, who hoped to find in a new couutry a shorter road to fame and fortune than that worn by so many wearied feet in the old States. In July, 1850, he started by the Panama route, and arrived in San Francisco in August of that year. The field of journalism promising well at the time, he brought to San Francisco the materials of a printing office, and in a short time after his arrival, in connection with Mr. Benjamin R. Buckalew, he started the *Public Balance*, a daily paper, which soon acquired in a particular manner the confidence of the community. His partner, however, was an uncongenial spirit, and after a few months of successful effort, they separated, Mr. Casserly changing the name of the paper to the *True Balance*, and subsequently to the *Standard*. At this time he was elected State Printer by the Legislature then in session, the first that met under the American flag. Business prospered, and the future looked bright, when the disastrous fire of May 3d and 4th, 1851, swept his whole property away in a night. His library alone was saved. Without means, but with a courageous heart, he faced the world anew.

Mr. Casserly now determined to devote himself permanently to the law, and from this resolution he never afterwards swerved. His success was rapid and constant, and for many years, if not the leader, he certainly was second to no one practicing at the California bar.

In early manhood, Mr. Casserly connected himself with the Democratic party of the United States, affiliating himself with the advanced wing of the organization then

led by Silas Wright of New York. He has always been an active member of the party in California, as in fact he was one of its founders, and continued one of its most approved counsellors. This was particularly the case in the dark days towards the close of the great civil war, when at times it seemed as if the party, in the face of constant and overwhelming defeat, was doomed to annihilation. It is hardly saying too much to assert that its preservation and its succeeding triumphs on the Pacific coast were due to the indomitable pluck and perseverance of Mr. Casserly, who would never consent to an abandonment of the struggle, even when it seemed most hopeless.

When the troubles which eventually led to the outbreak of the great civil war first began to overshadow the land, Mr. Casserly threw his whole influence into the scale of peace; nor did he ever relax his efforts, urging strenuously and with all his power the necessity for concession on both sides, and the propriety especially of granting to the Southern States the guarantees they demanded. When, however, war was actually inaugurated, he promptly took his place by the flag under whose folds he had been placed in infancy by his father, and no less strenuously urged the necessity for supporting the Government with every man and dollar in the land. He lent his powerful aid in preventing the State of California from drifting into the vortex of secession that at one time threatened. He took an active part in the organization of the Sanitary Commission, an organization instituted to care for the wounded soldiers in the field. While thus doing his utmost to secure the supremacy of the Government, he nevertheless always pronounced in favor of holding the administration strictly to the cause for which the war was prosecuted—the restoration of the supremacy of the flag under the constitution, frowning at all attempts to engraft other and extraneous issues upon the struggle. He warmly advocated the election of Gen. McClellan to the Presidency in 1864, standing firmly on his "platform," that the war must be prosecuted to an honorable peace, but that peace once established, the States in rebellion should be at once restored to their position in the Union,

with all the rights and guarantees they held under the constitution.

Although the Democracy failed to elect their candidate in 1864, the wisdom of Mr. Casserly's policy in putting the party on a patriotic constitutional basis was apparent within a comparatively short period, when that party achieved a complete triumph in the election of Governor Haight—a triumph which in turn placed Mr. Casserly in the most honorable position in the gift of the people of California. Immediately on the assembling of the Legislature in 1867, (the first in which the Democrats had held a majority for many years) he was brought forward as a candidate for the United States Senate, and, after a spirited contest, was elected by a large majority in December of that year, to serve for six years from March 4th, 1869, on which day he was sworn into office and took his seat.

Mr. Casserly is a ripe scholar, a proficient in several foreign languages, and a master of his own. He is one of the best classical scholars on the Pacific, and is a Master of Arts of Georgetown College, D. C., an institution remarkably chary of its honors. He is a pleasing speaker, although not what could be called a popular orator, his voice lacking the volume requisite for addressing large open-air audiences, and the severity of his taste restricting him from the flights which many less gifted speakers attempt with ease. In a moderate-sized chamber he is very effective, and is always a close and exhaustive logician. Some of his efforts at the bar are models in their way, and he is admirably adapted to the field he now occupies in the Senate of the United States.

He is a man of medium height, with a well-knit frame, and a clear, though deep-set brown eye. The size and conformation of his head indicate a large and well-balanced brain; while his temperament is ardent yet well restrained. His hair is prematurely white. His private life is as spotless as his public character, and no better testimonial to his worth need be sought for than the fact that his selection to the Senate was hailed by the best men of both parties as a triumph of intelligence and

virtue, and that a partisan press—more violent in its bigotry perhaps than any in the Union—was silent, or spoke but to say that his party *dare* not reject him. With the exception of the positions of Corporation Attorney in New York and State Printer in California, both of which were strictly in the line of his professional duties, Mr. Casserly never sought nor held public office prior to his election to the Senate.

In 1854, at San Francisco, Mr. Casserly married Teresa, daughter of the late John Doyle, Esq., one of the oldest and most respected merchants of New York city. By her he has issue, two sons and a daughter. Mr. Casserly's mother and several brothers are living in New York.

Eulogy on Daniel Webster.

BY HON. EUGENE CASSERLY.

At the opening of the Superior Court of San Francisco, Nov. 22d, 1852—the news of the death of Daniel Webster having just reached California—Eugene Casserly, Esq., on behalf of the bar, arose and delivered the following tribute to the memory of the great American lawyer and statesman.

MAY IT PLEASE YOUR HONOR: In accordance with an observance prompted by the best impulse of our nature, and sanctioned by an honorable usage, I have to move that this Court adjourn for this day, without the transaction of business, out of respect for the genius, services, and memory of Daniel Webster. When, on the night before last, the deep signal-gun of the steamship broke, amid the storm and darkness of midnight, upon our silent city, it was a far less startling sound than the tidings which it announced, sudden, heavy, sad, of an event that is nothing less than a national disaster. "Death (it is said) loves a shining mark," and of late his unerring shafts have been launched fast and frequent into the lessening circle of the statesmen and patriots, of whom Webster was among the greatest and the last. It was but the other day that the solemn funeral obsequies filled the city with gloom, and the long procession flowed through the streets; and still the sable badges of mourning, conspicuous in all the public places, and in these Court-rooms, and about the judgment-seats, speak the people's love and sorrow for another illustrious man—the contemporary of Daniel Webster—his associate in the Halls of Congress,

and through long years of signal public services his compeer and friend, Henry Clay, of Kentucky. Again and again, while the heart of the nation is still swelling with that great bereavement, comes another blow: one by one Death takes them, and as each of that shining band falls, the sound shakes the land even to this far Pacific shore. One after another they have gone from among us, to be forevermore with the spirits of the just made perfect; but when Daniel Webster is taken, there is left an aching void of grief, dismay and desolation, by which we may know how great was the space he filled in the thoughts and affections of his country.

Mr. Webster was, in the best sense of the words, a self-made man, and his success in the very highest stations is a splendid tribute, not less to the equality of our institutions, than to his own exalted powers. Born in the fourth year after the Declaration of Independence, amid the sterile hills and deep forests of New Hampshire—his father, a captain in Stark's company—Daniel Webster, a poor boy, with no advantages of education except what he could glean from the humble village schools of New England; owing nothing to connection, nothing to position, nothing to opportunity—except that which genius makes for itself—rose by swift ascents through all the grades of success and honor, as a lawyer, a legislator, a senator, an ambassador, a chief minister of the Cabinet, until his greatness became a part of his country's growth, and penetrated into every quarter of Europe; so that when "the inevitable hour" came to him. after he had passed the limit of age allotted to man, he sank, ripe in years and fame, in the fullness of his dignities and renown. In the course of a public life of forty years and upwards, during which his powers of mind and force of character permitted him to take no second part, it may be there have been measures of his upon which his countrymen will differ in their judgment. But the sincerity of his purpose, the rectitude of his principles, the dignity of his manhood, who can justly arraign? Who can say with truth that his intellect—the mightiest among men—was not ever guided by patriotism; or that in the service of his country his great soul ever harbored one mean or disloyal thought—one wish that was not devoted to her welfare and her glory?

Among the loftiest minds of the nation, he filled fitly the highest place. During his career in the Senate of the United States, his associates were such men as Clay and Calhoun, Benton and Wright, and many more of inferior, but still of great, power and reputation. It was a galaxy of worth and intellect, where stars of less than the first magnitude "paled their ineffectual fires," and were lost. But Webster still shone the brightest there; he "led the starry host." His intellect, capacious and powerful, grasped the questions, and wielded them at will. His logic was like the touch of Ithuriel's spear, and the march of his rhetoric was like the swell of the sea. His eloquence, disdaining the ornaments and the meretricious aids with which weaker natures seek to hide their poverty, rose like his native mountains, in simple, severe, self-sustaining strength and majesty, lifting all subjects which it embraced out of the fogs and mists

of a lower sphere into the clear sunshine and free air of a higher heaven.

But, if your Honor pleases, it was in our own profession—as a lawyer—that we love to contemplate him. Most worthily did he represent the true dignity and excellence of the law; and in it did he achieve the first and the most unquestioned of his triumphs. Here, also, he won his last. His speech for the prosecution in the famous Crowninshield case, is a classic in our schools; and in the great case of the Dartmouth College, before the highest judicial tribunal of the land, he brought the whole vigor of his intellect, his resistless logic and commanding eloquence, to the vindication and establishment of the provision in the Constitution of the United States guaranteeing the inviolability of contracts. But, however great these or any other of his legal arguments may have been, it is conceded that the last occasion of his appearance at the bar, in the Goodyear Patent case, betrayed no abatement of his powers. To the last he was still himself—still the first of living lawyers. Like the orb of day, though past his meridian, he shone to the last with undiminished light and majesty; or rather, like some mighty river as it nears the ocean, his intellect, verging to Eternity, flowed on in wider and more placid grandeur.

Great as a lawyer, as a Senator, as an Ambassador clothed with powers and responsibilities the most august, as the Chief Minister of the Cabinet at Washington, conducting the gravest and most difficult relations with foreign powers, and administering the highest executive functions with character, talent, and dignity—it was nevertheless his peculiar glory that he was the Champion and Expounder of the Constitution. Here, his heart and intellect found their most acceptable exercise, and here, great though they were, they found an ample field. He brought to the task a rare combination of qualities —an intellect trained to its utmost development in the conflict of the bar and the Senate—a wealth of historical knowledge and illustration—a fervor of patriotism—an earnestness and a power of eloquence, which fitted him to be the interpreter and guardian of the charter of our rights as a confederation, and which nothing could withstand. However men might differ from him, as to some of his conclusions upon the exciting questions which have divided the country—none could deny to him this preëminence and this trust. It was a sacred duty, and in more than one time of gloom and trial, right well did he do his work. And behold his reward—a reward to minds like his more grateful than any honors, any office, any Presidency. He had the gratitude of his countrymen, and he lived to see the Union and Constitution he had done so much to guard and sustain, growing greater and stronger to the last hour of his life.

In his own grand language, and in happy fulfilment of the prayer so devoutly expressed in the peroration of his speech, in reply to Senator Hayne, of South Carolina, in the Senate, in January, 1830:

"When his eyes turned to behold for the last time the sun in heaven, he did not see him shining on the broken and dishonored fragments of our once glorious Union; on States dissevered, discordant,

belligerent; on a land rent with civil feuds, or drenched in fraternal blood. Rather did their last feeble and lingering glance behold the gorgeous ensign of the Republic, now known and honored throughout the whole earth, still full high advanced, its arms and trophies streaming in their original lustre: not a stripe erased or polluted, nor a single star obscured—bearing for its motto no such miserable interrogatory as 'What is all this worth?' nor those other words of delusion and folly, 'Liberty first and Union afterwards;' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea, and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart, LIBERTY AND UNION, now and for ever, one and inseparable."

Forty years, with a genius and patriotism not often equalled, had he served his country and his countrymen, when from the highest place in the Cabinet and its weighty cares, he withdrew for a brief period into the repose and retirement of his farm at Marshfield. Even then, his last official act was to avert the collision threatened on our northern waters, between this country and the greatest of earthly powers beside. Even there, in that refuge, death found him out, and with remorseless hand took from us all of Daniel Webster that would die.

It is past! A good and a faithful servant, he has fought his last fight on earth. His spirit has returned to Him who gave it. There is a lamentation and a gloom in the land. In the highest realms of intellect, where he ruled with supreme dominion, there is a void. The place that has known him shall know him no more. No more shall he shine in the front of the worth, the intellect, and the patriotism of the nation. No more, amid "listening senates," or among the rulers of the people, shall be seen the majesty of his presence, his Olympian head, "the front of Jove himself." No more shall his eloquence sway with magic power the hearts of men. No more shall his master hand, with conscious strength, guide the helm of affairs. No more in the thick and troubled night shall his country look to the light of his genius as to her guiding star; in vain shall she with sad inquiry explore the darkening firmament, whence that bright planet has disappeared, making it to suffer a disastrous eclipse!

But, no; let me be pardoned these words. It is not for such as Daniel Webster to die and be no more. In that solemn moment between time and eternity, when the soul of man just about to shake off its earthly trammels, pierces with new sight into the future, on the brink of which it hovers, his soul, endowed with this prophetic sense, gave it utterance in the words, "I still live!"

Yes, he still lives, in his great example and his magnificent services, in his genius and his patriotism, of which the light and glory are still over the whole land, and will be with us always to guide, to encourage, and to exalt—lives in the heart of his country, and in whatever else of her is most immortal, in her history and her renown, in her freedom, in her greatness, and in eternal destiny—lives, while

the mountains stand and the rivers flow—lives, while the Union and the Constitution live, never to die until they fall, and the very name of the Republic is blotted from the earth.

But, if your Honor please, why should I say more? What man, with words, can add to the greatness of Daniel Webster, of Massachusetts, of New England, of the Union, of the world; or why should I, with my feeble rushlight, seek to show forth the meridian effulgence? From a task too great for my powers, I willingly escape, and move that this Court adjourn for the day.

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HENRY WAGER HALLECK.

By Judge J. W. Freelon.

Major General Henry Wager Halleck, U. S. Army, was born on the banks of the Mohawk River, at Westville, Oneida County, State of New York, in 1815. He is a lineal descendant from Peter Halleck, one of the Pilgrim Fathers, who landed at Halleck's Neck, Southold, in 1640, and settled within the limits of Aquebogue, near Mattituck.

The family name in England is Holly Oak, and Fitz Greene Halleck, the poet, traced back the lineage to the Percy family. The General's grandfather, Deacon Gabez, changed the spelling of the family name from Hallock to Halleck—the orthography adopted also by that branch of the family from which Fitz Greene Halleck descended. The subject of this biographical notice does not, however, claim any interest in the Mount Halak territory annexed by Joshua, and which the poet used to claim as the original homestead of his Puritan ancestors.

General Halleck's father, Joseph, was a Lieutenant in the war of 1812, and a civil magistrate in his county for some thirty years. His mother was the daughter of Henry Wager, of Oneida County, New York. He was a man of strong sense, and filled many legislative and political positions with credit. His father came from Baden Baden and settled on the Hudson River. The old mansion, with its gable end towards the street, built of bricks imported from Holland, is still standing in Columbia County. The name was originally spelled, as it still is, in Germany, Waghner.

The subject of this sketch, after a preliminary academi-

cal education, and a brief residence at Union College, New York, entered the Military Academy in 1835, nominated by the late Judge Beardsley, then Member of Congress, and was graduated and promoted as Second Lieutenant of Engineers in 1839—ranking third in a class of thirty-one cadets. During his furlough, he returned to, and completed his studies at, Union College. From his graduation till 1844 he was on duty as Assistant Professor of Engineering, at the Academy, and employed on the fortifications in New York harbor. In 1845 he made an extended tour in Europe, examining into the various military establishments of the principal States. After his return, he delivered a series of lectures before the Lowell Institute, of Boston, on Military Art and Science.

In the summer of 1846 he was sent, via Cape Horn, to the Pacific Coast, and was actively employed both in civil and military capacities during the Mexican war. For gallant conduct in the affairs of Palos, Prietos and Urias, Mexico, November 19th and 20th, 1847, he was breveted a Captain. He was subsequently distinguished in the affairs of San Antonio and Todos Santos, Lower California, March 16th and 30th, 1848. At the former place, with a small detachment of mounted volunteers with whom he had made a forced march from La Paz, he surprised and defeated a Mexican garrison of several hundred men, capturing two officers and other prisoners, the colors and official records; destroying arms and ammunition, and returning to his post within thirty hours, during which he had accomplished these results and a march of one hundred and twenty miles. At Todos Santos he led the attack with two companies of the New York Volunteers, and "for his assistance as Chief of Staff," and "for the able manner in which he led on the attack," he was specially commended in the official report of his commanding officer.

Captain Halleck also acted as Aid-de-Camp to Commodore Shubrick in the naval and military operations along the Mexican coast, and in that capacity participated in the capture of Mazatlan, of which place he was made Lieutenant Governor. He is closely identified with the

early history of California, acting as Secretary of State under the military governments of Generals Mason and Riley, and during the same period as Auditor of the Revenues. He was a prominent member of the Convention assembled in 1849 to form a State Constitution; and as an active member of the drafting committee, had an important part in the preparation of that instrument; being distinguished also for his able and determined opposition against all attempts to engraft African slavery upon this State. Between the years 1850 and 1854, he was on duty as Judge Advocate and Inspector and Engineer of Lighthouses on this coast. Having attained the rank of Captain of Engineers, he resigned from the army. In 1854 he entered into the practice of law in San Francisco, and was for many years the senior partner of one of the largest law-firms in California. He was Director General of the New Almaden Quicksilver Mine, 1850–61; President of the Pacific and Atlantic Railroad from San Francisco to San Jose, 1855, and Major General of Militia, 1860–61.

Soon after the breaking out of civil war he returned into the army, being appointed on the recommendation of Lieut. Gen. Scott, a Major General, August 17th, 1861. From November of same year till March, 1862, he was in command of the Department of the Missouri, holding also a commission as Major General of Missouri Militia. During this period he was actively engaged in reconstructing a chaotic department in which *materiel* was wanting and the *personnel* was demoralized, and in directing offensive operations against the enemy. He had the principal direction of the military movements resulting in the successful campaigns of the West, commencing in February, 1862.

In March, 1862, General Halleck assumed command of the Department of the Mississippi, and in the following month took immediate command of the army before Corinth. The investment of this place was, under his personal direction, conducted to a successful issue, notwithstanding obstacles almost insurmountable. Deficient in the means of transportation, he advanced over and *in* roads nearly impassable, and through forests that might

have been deemed impenetrable by any other troops than those under his command.

After the unfortunate termination of General McClellan's campaign, resulting in the withdrawal of an heroic army from the front of Richmond to the banks of the James, the President decided to call a soldier to Washington, to assume, under his direction, a general control over all the armies of the United States. General Halleck was selected by the administration for this purpose, and was at once summoned to Washington. But, being fully aware that the position would involve grave responsibilities—without corresponding powers to *direct*—and that therein he would find the duties extremely arduous, harassing, and utterly thankless, he asked that he might be allowed to remain with his own troops. The President's order, however, succeeded the invitation, and the General cheerfully entered upon the duties of his new position, assuming command of the army in July, 1862. He thus sacrificed the opportunity for reaping personally the results which followed the operations initiated and, to a great extent, conceived by him, and which were so gloriously executed by our Western armies. He was in command of the army till March, 1864, when he was relieved at his own request, and in view of General Grant's promotion to the grade of Lieutenant General. He then, at the urgent request of the President and at the desire of General Grant and the Secretary of War, remained at Washington and acted as Chief of Staff of the Army till cessation of hostilities. The duties of this position, anomalous in our service, were, inasmuch as the General-in-Chief was permitted to take the field, essentially the same as those that he had been permitted to exercise as commanding general. The embarrassments were somewhat increased, while the power of individual action was even more restrained. In view of his own experience at Army Headquarters he advised General Grant to remain away from the stronghold of the politicians, and to seek safety from their mines under the fire of Lee's Army. In this advice he was most cordially sustained by the brilliant Sherman.

Upon General Grant's return to Washington, after receiving General Lee's surrender, General Halleck was sent to Richmond in command of the Military Division of the James, and was specially charged with the reëstablishment, so far as practicable, of loyal civil government in Virginia. In July, 1865, he was assigned to command of the Military Division of the Pacific, and returned to his home and assumed that command in August of same year.

The General is the author of a work on "Bitumen: its varieties, properties, and uses," 1841; of "Elements of Military Art and Science," 1846—and a second edition, "with critical notes on the Mexican and Crimean Wars," 1858; of "A Collection of Mining Laws of Spain and Mexico," 1859; of a work on "International Law, or rules regulating the intercourse of States in Peace and War," 1861, and of "A Treatise on International Law and the Laws of War, prepared for the use of Schools and Colleges," 1866. Translator and Editor of "De Fooz on the Law of Mines, with introductory remarks," 1860; and of "General Jomini's Life of Napoleon," with notes, 1864.

The Degree of A. M. was conferred upon him by Union College in 1843, and that of L L. D. in 1862. His published works alone are enough to make a reputation for any reasonable man, and will always remain a monument of his learning and industry. They are constantly quoted as authority in the Courts. We have heard one Judge of the Supreme Court of the United States say that upon the "rules of war" the Supreme Court considered General Halleck as "the best authority." But his double life of civillian and soldier has been so full, so crowded, we may say, that his authorship seems almost a secondary thing in his history.

In September, 1848, he was appointed Professor of Engineering in "Lawrence's Scientific School" of Harvard University, Massachusetts, which appointment he declined.

General Halleck has been one of the best abused men in the country. As General-in-Chief he was forced to

occupy a position misunderstood, even in the army. It was one of responsibility without power. He had no authority to act otherwise than was approved by the President and the Secretary of War. He could simply advise them, and then act as they saw best; the nation holding him responsible for the simple execution, in good faith, of orders that were oftentimes in direct conflict with his own judgment. When General Grant succeeded him the people had become heartily tired of the mixed Directory, and Congress conferred upon that General powers that had never been granted to his predecessors.

General Halleck exhibited a commendable spirit of self-sacrifice in remaining in Washington as Grant's chief-of-staff, after his own experience of the annoyances surrounding an army Headquarters so inconveniently near the seat of Government.

The General has certainly betrayed none of the professional jealousy supposed to be characteristic of military men, and which has impaired the usefulness of some of our most prominent soldiers. It was he that first discovered and nourished the war-like qualities of Sheridan. It was he that recommended, first, Buell and Grant, and then C. F. Smith for promotion as Major Generals of Volunteers—Badeau being mistaken in asserting that Smith was recommended before Grant. He was also an earnest advocate of the claims of Grant, Sherman, Thomas, Meade, and McPherson, for promotion in the regular army. During the war he was in most cordial coöperation with these distinguished men.

It was Halleck that sustained Grant while in difficulties, both after Fort Donelson and after Pittsburg Landing. On the latter occasion the steady support of his commanding General was of vital importance to the present Chief Magistrate. The pressure brought upon General Halleck by the President, Secretary of War, and several of the Western Governors, for the removal of Grant from all command, was almost irresistible. To save him from being absolutely shelved, General Halleck placed him second in command to himself, it being impossible to continue him at that time of popular prejudice in command

of one of the armies. These circumstances have been gravely misrepresented by Badeau in his life of Grant. It is not true that Halleck ever issued orders for Banks to supersede Grant at Vicksburg. Such action was undoubtedly discussed by his superiors, but General Halleck had no desire to see Grant superseded.

Again, just before the battle of Nashville, General Grant becoming impatient at the apparent slowness of Thomas' movements, directed that he should be relieved; but Halleck's faith in Thomas was so strong that, although entirely unsupported by the Administration in such action, he assumed the responsibility of withholding the order. A glorious victory was the result of the opportunity thus preserved to General Thomas.

The friends of McClellan charged his removal from command to Halleck's influence; but although urged by the Secretary of War, and nearly the entire Cabinet, to join with them in recommending that change, he refused to comply.

Neither was General Halleck responsible for the appointment to or removal from command of Burnside or Hooker. When it was determined, however, to relieve the latter, the General recommended Meade as his successor.

General Halleck married, in 1855, a granddaughter of Alexander Hamilton, and daughter of John C. Hamilton, Author of "History of the Republic of the United States," "Life of Hamilton," "Works of Hamilton," etc. He has only one child, a son, now thirteen years old. The General is a very wealthy man, having made his fortune out of the professional emoluments of his practice of law in California. His firm, owing in a great degree, to the knowledge of the Mexican language, and titles, and customs acquired during his early residence on the Pacific by the General, did probably the largest and most profitable land business in procuring the confirmation of Spanish grants, ever done in the United States by one law firm.

In June, 1869, under orders from headquarters at Washington, General Halleck relinquished to General Thomas the command of the Department of the Pacific,

and assumed that of the Department of the South, with headquarters at Louisville, Kentucky, where he is now stationed. He lives in a style becoming his position and means, but entirely without ostentation—cautious, wise, of untiring industry, of great research—having at command vast stores of patiently-acquired information upon almost all subjects. Conservative and just by nature, he is calculated to be a safe adviser, and we trust and believe that his days of useful service are only commenced. He showed, when a young man, in the actions with the enemy in Lower California and Mexico, that impetuous personal bravery so befitting the young soldier, and indeed so necessary to make up the perfect commander. At West Point, in matters of discipline especially, he was always looked upon, even when a boy, as an authority, and his boyish decisions are even yet quoted at the "Point."

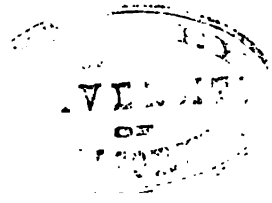
The portrait accompanying this sketch gives a fair idea of his personal appearance, and justifies the soubriquet given him by his soldiers, of "Old Brains." He is about 5 feet 11 inches in height, and weighs about 190 pounds. His smile is very genial, and his whole bearing is courteous and dignified.

General Halleck belongs peculiarly to California, and is identified with its history; he owes it almost all, and it owes him much. Until the breaking out of the civil war, he always voted with the Democratic party, and his sympathies are with that party, except inasmuch as they have been changed by the events of the war. When peace was declared between the United States and Mexico, General Halleck was perhaps the most influential and best known man in California; but he is not fitted for the arts of the successful politician, otherwise he would undoubtedly have been sent as one of our first Senators to the National Capital. As it was he received 18 votes for U. S. Senator, which were almost enough to elect. He is a member of the Society of California Pioneers, and is President of the Society of Veterans of the Mexican War, an organizatiou in which he seems to take much interest. His *home* is in California, and we may well be

glad that we have so sagacious and so able a man ready in war or in peace to aid and to guide us. This is not the time to discuss his qualities as the great general, nor are we qualified for the task; but we may be permitted to say that it is by no means proven, that under the same circumstances he would not have been the equal of the best soldiers the war has produced.

One Napoleonic quality, we certainly know he possessed in a high degree—the power of judging and choosing men. Always, from the first, he recognized the lofty military merit of such men as McClellan, Sherman, Lee, Thomas, and others, and the qualities of that most successful of all of them—our present President.

History will do justice to the great services he rendered his country, while performing his arduous and delicate duties at Washington during the war. His negative services were, perhaps, even more valuable than his positive. Officially associated with civillians claiming to understand the whole art of war, whose policies and plans were constantly changing, a "break" and a balance-wheel were both absolutely needed. We believe that General Halleck was the right man in the right place at the right time, and did as much as any human being *could* do under those anomalous and fearful circumstances; and posterity, when all is known, will honor him for what he *prevented* as well as for what he *accomplished.*



DAVID C. BRODERICK.

It is a remarkable absurdity for an American biography to commence with the humbleness of the birth of its subject. In this land, it is doubtful if the scion of any family can show a coat-of-arms with quarterings sufficient to entitle him to Maltese knighthood, or satisfactory to an Austrian chamberlain. Almost all family lines, pretentious or honest, will be found not only "waxed at the other end," but nearer still to the gentle *propositus*, "by some plebeian vocation." There is something ridiculous in the long, barren lines of Ebenezers and Ezekiels hung about the loins of *Mayflower* progenitors that, like the strings of dried fruit in a New England kitchen, form the pride of the inglorious but not mute Puritan genealogical minds. It is not how long the trailing root has crept below the shallow soil, but how high the oak towers above, that measures our admiration of ancestral qualifications.

Nor is gentility south of Mason and Dixon's line substantial enough to bear the pruning of a heraldic visitation. American agrarianism has proved too much for primogeniture and landed chiefs; and Sir Bernard Burke would look with no small degree of suspicion at even the most flourishing family tree, however illustrated by Virginian generosity or the punctiliousness of South Carolinian honor.

David Colbrith Broderick, therefore, need not piteously and *in forma pauperis* claim additional credit for obstacles surmounted by him as a poor man in a land

where all start alike comparatively equally light in purse and family influence.

One fact, however, might be noted: he was of Irish extraction. No Yankee angularity marred and narrowed his soul at the outset in life; no Calvinistic superstition or bigotry barred his mind to generous impressions; no New England twang marred or prejudiced his tongue. He was not obliged to carry the pro-slavery burden about, like a hereditary hump, to be guarded from insult and injury. He could therefore assume the character of a national man with more sincerity than most of those who were his coadjutors in political life. Not stunted by New England barrenness, nor rendered perverse by Southern impetuosity, Broderick may well be considered fortunate in his breeding, in spite of the apparent disadvantages of imperfect education and a youth of toil.

He was born in the city of Washington, under the very shadow, as it were, of the Capitol, on the fourth day of February, 1820. His parents were Irish—his father a stonecutter. In Broderick's sixth year, the family moved to New York city, where they settled permanently.

Broderick received but little instruction in those days. Even before his father's death, which occurred in his fourteenth year, he had learned to assist in the occupation his parent pursued. In his seventeenth year, he was apprenticed regularly to the trade, and followed it systematically for some years.

At that period, as well by reason of the necessity which proud poverty must meet to battle with the world, as from the fact that he was an elder brother, and as such had boyish battles to fight, and boyish airs of command to affect, he acquired what might be termed an honest arrogance, not founded in conceit or egotism, but which was a characteristic of physical temperament rather than of his mind. It became part of his manner, as year by year the circumstances which elicited it were changed in character but not in force. But Broderick was a veritable leader of men. Neither want of polish or wealth could deprive him of his place in society, or prevent his standing forth a Saul among his brethren.

Accident, more than any personal taste, made him a publican. In 1841, he kept a place called "Subterranean Hall;" and the year after, another, known as "Republican Hall." This employment, however, must have been a mere makeshift, such as every man in California, however prosperous, has at times been obliged to seize—a sudden and disagreeable refuge from the storms of poverty. He was meanwhile rapidly working his way through the temporary crust of ignorance, and making himself respected and understood among his fellows.

At that time, the Democratic party in New York and elsewhere was gradually falling into two ranks, marked by the energy of different generations—the Old Hunkers and the Young Democracy. To the latter, Broderick was joined; and with it, in the local politics, he soon became identified.

He also was prominent in the Fire organization, and was actively engaged as foreman in the Howard Engine Company No. 34, corner of Christopher and Hudson streets, in his District.

To the routine mind of the East that bends round-shouldered over its ledger, and stares through its well-to-do spectacles with disfavor at organized ruffianism, as embodied in a volunteer Fire Department, there is something inexplicable in the idea that it should form a power in the State; that there should step forth from its ranks men of moral courage, of heroic wills, of promptness in speech and action, rendering their possessors no mean antagonists in forensic dispute. Yet it was from such sources that no small part of the power of the senatorial ex-mason sprung, and by it that his character was somewhat tinctured. His command over men was not the suave, polished, silvery-tongued utterance of cloistered scholarship, nor the crafty hammering of the special legal pleader: it was rather the hoarse, startling outcry that thrilled through the fireman's trumpet, and that found its result in the instantaneous comprehension of his hearers, and their almost involuntary acquiescence therein.

In 1842, Broderick's mother died; and two years

after, his only brother, Richard, who had just been appointed to the United States Naval School, was killed by the chance explosion of an old bomb that had been thrown among the refuse iron of a foundry on Charleston street, New York. Thus Broderick was without a relative in this country; and the solitariness of his bereaved condition cast a melancholy almost bordering on moroseness over his whole manner and character.

It was during these years that he gathered the elements of political strength that never after deserted him. Party friends, better fortuned as to literary and historic learning, then opened their social circles and library doors to him, and the opportunities thus offered were seized and intelligently used by him to measurably repair the gaps left by early neglect. Though, so to speak, of a rude and unkempt turn as to bookish training, yet Broderick was not a man utterly void of any culture of even the highest order. However he may have found the favorable time and circumstances, he read and appreciated the highest and most æsthetic poets of his time with an understanding that would have done honor to the mellowest scholarship of the old country.

Such a man, with an earnest eye for knowledge, alive to the thoughts and passions of great ones gone by, does far more satisfactory honor to the book from which he receives instruction, to the page of history which he searches, or to the bard in whom he finds the expression of his heart, than the lazy saunterer through sterile text-books, leaning on the crutches of grammatical discipline, pushed and lifted along by weary instructors, until in due time the barren academic degree drops into his lap like a rotten windfall, for which he himself has not striven, and which he has not deserved.

The parthenon of Broderick's intellect was never finished. It was continually shooting up into new columns that gave promise at some future day of approximate perfection; and had his life been as long as those of the average of English or even American statesmen, we may well consider that its progressive and expanding condition would have brought an old age tempered with

all the refinement, as well of books as of polite conversation and communion.

In the year 1846, Broderick made his first long political stride forwards. He was nominated for Congress by the Young Democracy of his District; and though defeated, the fight only showed the partisan strength and personal popularity then grasped by him.

In June, 1849, Broderick arrived in California, and was for some time employed in the Assay Office or Mint carried on by Samuel W. Haight on Clay street. Mr. Broderick, though working as an operative in Mr. Haight's establishment, became a candidate for the seat in the State Senate left vacant by the election of the Hon. Nathaniel Bennett to the Supreme Bench, and was elected, and served as well the partial as the succeeding full term.

His experience and tact in the matter of a volunteer fire department became very acceptable to the new city in those days of conflagrations; and he, together with George W. Green, an ancient friend of the Atlantic side, organized the first fire company in San Francisco, (Empire Company, No. 1,) and became its foreman, with Mr. Green for assistant.

He received a flattering evidence of his success as a practical legislator at this time. On the resignation of Governor Burnett, and Lieutenant Governor McDougal becoming acting Governor, Mr. Broderick became President of the Senate, a position which he filled well, and on the resignation of McDougal, a short time previous to the expiration of his term, Mr. Broderick became virtually Governor of the State.

When Broderick was a State Senator, the election of United States Senator became a duty of that Legislature, and Broderick received a warm Democratic support from his colleagues; but the caucus held showed one more vote for Mr. Weller, and Broderick cast his vote at the election for his rival.

Broderick now became a private citizen, and by steadiness, tact, and ability, acquired a fortune sufficient to

place him at liberty to gratify his ambition in public life.

He entered into the party struggles of the time, bringing an energy and political tact that oftentimes insured the success of his friends, otherwise doubtful.

Yet his method of concentrating his political forces had nothing in it of the creeping style of trams and snares. He made no concessions. He was no trimmer, to yield to strength what weakness could not have obtained. He planned with the political board fully considered, and his victories were as rigid as a game of chess. No humble follower dared to intervene with variations of the mode of attack or defence. The leader was the same domineering spirit who knew how to defend in boyish days his weaker brother, and now stood by political or personal friend against political or personal foe, unflinching and unchanging.

Broderick wished a seat in the United States Senate. It was a glorious ambition for one who as a boy had known so much of the muddy side of life, and who had now reached a pinnacle from which he might survey the future, and choose the road preferable to him.

Broderick's method of attaining his end brought upon him all the personal and political hostility that for the rest of his life closed about him.

Year after year, the Legislature met, now at Benicia, now at Sacramento; caucuses were held; test votes were cast; and Broderick failed to grasp the coveted honors, retreating, however, only with the consciousness of no defeat suffered. Now, it was his bitterest antagonist, Dr. Gwin, now, it was Senator Foote that led a fragmentary opposition.

Broderick may have been wrong in all these fiery political struggles. Ambition of every description has its selfish side, at which attacks can be made, and the citadel of its success forced. But the tenacity of the man had something so honest about it, so frank and glorious, that we, who sit and ponder to-day over the battle which the single-hearted hero carried on—the

harshness, the vindictiveness, and the hates of which have hardly yet been healed—cannot but feel rejoiced at the final success that crowned Broderick in 1856 with senatorial honors.

In March, 1857, he took his seat in the Senate. The early months of Broderick's senatorial career were vexed with troubles as to the distribution of patronage on the Pacific coast. He was virtually divested of the influence which he should have wielded at Washington, backed, as he was, by so fair a support to employ in the interests of the Buchanan administration, then struggling to maintain an undivided party more Southern in its affection than practicable in its projects. The political enemies who had been defeated in California were entrenched in the Capitol. To them, the ground was familiar. Their leader was conversant with every nook and corner from which place or profit might be acquired for his adherents; while Broderick stood alone, coldly received by the Government, and utterly unable to do that for his friends and party which a senator elected as he had been would be entitled to expect. In short, the power of official recommendation, without which a United States Senator is little more than a member of a grandiloquent debating society, had been snatched from Broderick by the administration, and delivered entirely and exclusively to Senator Gwin and the party whose exponent he was.

Mr. Broderick differed from the administration upon the great issue at that time between the two divisions of the Democratic party. He was an advocate of the doctrine or dogma of popular territorial sovereignty as enunciated by Mr. Douglas. The wisdom of that theory has never been tested. It is not for us to say that its expounders were correct in whole or in part; nor, on the other hand, has the fiercest opponent the logical privilege to proclaim it false. The Gordian knot has since been rudely sundered by the civil war; and it is useless to-day to follow out the strands and measure the strength and tortuousness of every filament.

To us, Mr. Douglas and Mr. Broderick can be nothing but prophets, uninspired perhaps, but honest, who cried

aloud, whose words were not regarded, and whose prophetic mission was assailed with a bitterness and violence that succeeding years should hasten to forget.

Though unsupported by friends or party, Mr. Broderick won the national respect in his short career in the Senate. It is pleasant to find the patriarchal Seward on the one hand, and the fiery Toombs on the other, join in frank commendations of their young colleague's character when the resolutions of respect for his memory were introduced at the next session.

He returned to California to renew the battle which his enemies now backed by administration patronage, waged against him.

There is a physical sort of fervor about a Californian political campaign. The materiality of the daily life of the Pacific seems to swell and writhe about the forensic disputants. Force claims its place as an element of the fiery logic; and words are rather the damascene flowers upon the sabre than the steel itself.

It was such a canvass that Broderick undertook in 1859. It was an abnormal excitement that at that time drove forth his every utterance in defence of his views on the questions of the day.

A thorough gymnast wrought up to a pitch of physical excitement feels but imperfectly the scratches and bruises that to an unhealthy frame are serious injuries. He gives and takes severe blows that are misprised, because his exuberant health will, he knows, bring a rapid healing.

To the political advocate, who steps trained and warned upon the platform to struggle for ambitious gratification, the same kind of indifference should be expected morally. The antagonist who comes up at each fresh encounter with no smile on his face, and with rancor growing in his bosom, violates the laws of the political ring, and should be ruled out.

Broderick was abused in the harshest manner by his political opponents. Expressions of contempt were showered on him with a disregard for any personal feelings or personal purity that he might have claimed.

On the 24th of June, 1859, the Hon. David S. Terry, then the senior Judge on the bench of the Supreme Court, delivered a speech at Sacramento, eulogistic of the Buchanan party and its principles, and claiming it and them as the only really Democratic and consistent organization, followed with a sharp criticism of the Republican party; and animadverting to the Douglas party in the State, used the following language:

> What other party have we opposed to us? A miserable remnant of a faction sailing under false colors, trying to obtain votes under false pretences. They have no distinction: they are entitled to none. They are the followers of one man—the personal chattels of a single individual whom they are ashamed of. They belong, body and breeches, to David C. Broderick. They are yet ashamed to acknowledge their master, and are calling themselves, forsooth, Douglas Democrats, when it is known—well known to them as to us—that the gallant senator from Illinois, whose voice has always been heard in the advocacy of Democratic principles, who is not now disunited from the Democratic party, has no affiliation with them, no feeling in common with them.

When Broderick read this speech at the table of the International Hotel, he was hurt at the contemptuous tone in which he himself was alluded to as the party leader; and in the presence of the assembled company gave way to a burst of bitterness as to Judge Terry, from whom he had expected a kinder mode of expression. Mr. D. W. Perley, a partner of Terry's, took up the defence of his friend, and offered to challenge Broderick, who, in a note, refused a hostile meeting with Mr. Perley, or any one else, until after the political campaign was ended.

The political canvass, in which Broderick and his adherents were unsuccessful, was closed; but unfortunately the hasty and violent remarks made by Broderick, when stung by Judge Terry's sneer, were not forgotten.

On the 8th of September, 1859, Judge Terry wrote to Broderick, referring to language used by him at the International Hotel two months previously. This note to Perley, declining a meeting until the campaign was over, had been published, and the time having elapsed, Judge Terry took the earliest opportunity to demand,

through his friend Calhoun Benham, a retraction of the offending remarks.

To this letter, Mr. Broderick made immediate answer, requesting particular mention of the language deemed offensive, in order to prevent future misrepresentation.

A letter followed from Judge Terry, stating that the remarks alluded to were in substance as follows: "*I have heretofore considered and spoken of Judge Terry as the only honest man on the Supreme Court Bench, but I now take it all back.*" The retraction of language calculated to reflect upon his character as an officer or a gentleman was again demanded by Judge Terry.

To this Broderick replied that his words were occasioned by offensive allusions concerning him made by Judge Terry in the convention at Sacramento, and that as nearly as possible the language he (Broderick) used was as follows: "*During Judge Terry's incarceration by the Vigilance Committee, I paid two hundred dollars a week to support a newspaper in his defence. I have also stated, heretofore, that I considered him the only honest man on the Supreme Bench, but I take it all back.*" No retraction was made, and he added that Judge Terry himself was the proper one to decide whether this language afforded grounds for offence.

This letter was followed by one from Judge Terry, demanding, through his friend Mr. Benham, the satisfaction usual among gentlemen. Mr. Broderick named Hon. J. C. McKibbin and D. D. Colton as his friends on the occasion, and the terms of the meeting were arranged.

On the 12th of September, they met at the Lake House Ranch, near Laguna Merced, about six miles from San Francisco, and were arrested. No offence having as yet been committed, Police Judge Coon released the parties, and the meeting took place the next day, near the same locality.

Some sixty or seventy persons witnessed the duel. The morning was a clear, bright, sunny one, and a little after six o'clock both parties arrived on the spot.

Mr. Broderick was attended by Hon. J. C. McKibbin and D. D. Colton, his seconds, and Dr. Loehr as surgeon; while Judge Terry was accompanied by Calhoun Benham

and Col. Thomas Hayes as seconds, and Drs. Hammond and Aylette as his surgeons.

Both seemed in good spirits, standing apart in conversation with their attendants. The weapons used were eight-inch Belgium pistols, both set with hair-triggers, and the distance marked off ten paces. In pursuance of the arrangements of the day before, the choice of ground belonged to Mr. Broderick and the selection of the pistols to Judge Terry.

When the articles of the meeting were first drawn up, it was objected to on the part of Judge Terry that the word "Fire!" was not to be followed by the usual "One—Two—Three!" but by simply the words "One—Two!" The friends of Broderick, however, insisted upon this article remaining as it was, and the point was carried.

The *code duello* being read aloud, the contestants took their places. While Broderick's position seemed careless and somewhat awkward, that of his adversary was rather studied and his manner cooler.

Just before seven o'clock, the words, "Fire!—One! Two!" were spoken. Broderick raised his weapon, but it exploded before he could take aim, probably owing to the delicate touch of the hair-trigger, the ball from his pistol striking the ground only four or five paces in advance of where he stood.

A moment later, Judge Terry fired, the ball from his pistol striking Broderick full in the right breast, causing him to fall before his seconds could reach him.

He was taken to the house of his friend, L. Haskell, Esq., at Black Point, and visited there by many friends. The best of medical attention could do little for him. His sufferings were great, and about nine o'clock of Friday morning, September 16th, he died.

All the various Courts, Federal, State, and Municipal, adjourned upon hearing of the death of David C. Broderick.

The feeling throughout the city and the State was intense, and many public men paid tribute to the distinguished senator's memory by eloquent words of praise and regret.

The committee having in charge the arrangements connected with the funeral, refused the kind offer of General Haven to furnish a military escort, deeming it better that the ceremonies should be strictly of a civic character. His body lay until his burial in the Union Hotel on the Plaza, and was visited by almost every citizen, and shown marks of respectful attention by all.

The funeral took place on the afternoon of Sunday, the 18th of September. Col. Baker was selected to deliver the funeral eulogy, and Broderick's remains were escorted to Lone Mountain Cemetery by an immense assemblage, who showed the feelings of deeply seated regard and sorrow. The city was draped in mourning, the flags on buildings and in the harbor were at half-mast, and every thing wore a solemn and impressive appearance.

The train of events which seemed to make the death of the Senator the irresistible necessity of the tragedy, pointed to Dr. Gwin rather than to Judge Terry as his veritable opponent. It was not on the same plane with Terry that Broderick's acts were projected. The offence rankling between them was an episode rather than the absorbing emotion; and the frightful unities of the drama would seem to have been better met, had Gwin rather than Terry pointed the fatal pistol that finished the career of our hero.

The duel that closed the life of Broderick has been the theme of much political and personal scandal, affecting the characters and standing of the prominent men of the ultra wing of the party of which Broderick was the partial expositor in the State of California.

The minutest details of the combat have been sifted to find material for exciting paragraphs in the journals; and even a sort of superstitious glamor has been thrown about the remote cause of the strife.

But the issues can be narrowed down to a few propositions: It is wrong to engage in duels; Broderick committed the wrong; it is wrong to use language for which nothing but a personal meeting can atone; Broderick used such language. He attempted to evade the meeting with a dignity, far different from cowardice; but failing

to do so, went out like the brave heart that he was, fearlessly, seriously, with no mean repinings, no mawkish sentiment, no driveling about the morality of the act, and met his death, dealt under the code which he himself had recognized, and at other times invoked. Whether one pattern of pistol has a mechanical advantage or disadvantage over another; whether one combatant has a steadier eye or hand or more or less skill than another, are questions that cannot be raised on the field of rencontre without turning prudence into something worse. Broderick scorned to raise such quibbles himself, and this is no place for their discussion.

A little more generosity in pressing home the offence, a little less anxiety for the vulgar satisfaction of the day, a grander peering into futurity to see the dim reflection that the years threw back of the motives and feelings that then urged him in his course, would have cast no stain and given ground for no mean imputation on the personal character or courage of his antagonist. The bitter political strife that followed in after years, between North and South, would have swallowed up in a more catholic struggle the feverish hostilities that in those times exploded fitfully in California, between the impetuous spirits of either faction.

The bravery which led Broderick out to a meeting, from which it was the sum of possibilities that he could not return alive, was the same fire that a few years after blazed in the heart of one of his eulogists at the fatal cannon's mouth on the field of battle. It is the spirit that has made the Californian the boyish hero among his peers of the other States—reckless of his risks, ready to resent injuries, and obedient to the law, only when that law was in keeping with its original purpose, and not the fortification planted about greater wrong.

Broderick was, in the broadest sense of the hackneyed phrase, a representative man. In him could be marked the effect of the fullest liberty upon an Irish intellect. The weight of ignorance, poverty, and sorrow once flung from him, there was no mark of the shackles left. There

was as much of the sovereignty of will about his mental actions as ever developed from a royal cradle.

Sprung from a race from whom prosperity, mental improvement, and creed almost have been snatched, instead of being a cringing follower in the wake of others' errors, Broderick was more thoughtful of the interests of true republicanism, more considerate and unswerving in his regard for the interests of his fellows, a nobler citizen in fact than more pretentious children of the Republic, who used the lap of the national mother as a ground whereon to battle for their toys of theories—unsubstantial products of fallacious sentiment. He acknowledged all the defects and failings which could possibly be ascribed to him; and having thus stripped himself of every conceit and pretension not in accordance with the character upon which he was to build his life, and having accepted the position into which circumstances had thrown him, with all its asperities, he marched forward upon a career of pure glory, closed as in the days of ancient chivalry on the field of battle.

Oration by Col. E. D. Baker,

DELIVERED OVER THE DEAD BODY OF DAVID C. BRODERICK, AT PORTSMOUTH SQUARE, SAN FRANCISCO, ON THE 18TH OF SEPTEMBER, 1859.

Citizens of California:

A Senator lies dead in our midst! He is wrapped in a bloody shroud, and we, to whom his toils and cares were given, are about to bear him to the place appointed for all the living. It is not fit that such a man should pass to the tomb unheralded; it is not fit that such a life should steal unnoticed to its close; it is not fit that such a death should call forth no rebuke, or be followed by no public lamentation. It is this conviction which impels the gathering of this assemblage. We are here of every station and pursuit, of every creed and character, each in his capacity of citizen, to swell the mournful tribute which the majesty of the people offers to the unreplying dead. He lies to-day surrounded by little of funeral

pomp. No banners droop above the bier, no melancholy music floats upon the reluctant air. The hopes of high-hearted friends droop like fading flowers upon his breast, and the struggling sigh compels the tear in eyes that seldom weep. Around him are those who have known him best and loved him longest; who have shared the triumph, and endured the defeat. Near him are the gravest and noblest of the State, possessed by a grief at once earnest and sincere; while beyond, the masses of the people whom he loved, and for whom his life was given, gather like a thunder-cloud of swelling and indignant grief.

In such a presence, fellow-citizens, let us linger for a moment at the portals of the tomb, whose shadowy arches vibrate to the public heart, to speak a few brief words of the man, of his life, and of his death.

Mr. Broderick was born in the District of Columbia, in 1819. He was of Irish descent, and of obscure and respectable parentage; he had little of early advantages, and never summoned to his aid a complete and finished education. His boyhood and his early manhood were passed in the City of New York, and the loss of his father early stimulated him to the efforts which maintained his surviving mother and brother, and served also to fix and form his character even in his boyhood. His love for his mother was his first and most distinctive trait of character, and when his brother died—an early and sudden death—the shock gave a serious and reflective cast to his habits and his thoughts, which marked them to the last hour of his life.

He was always filled with pride, and energy, and ambition—his pride was in the manliness and force of his character, and no man had more reason than he for such pride. His energy was manifest in the most resolute struggles with poverty and obscurity, and his ambition impelled him to seek a foremost place in the great race for honorable power.

Up to the time of his arrival in California, his life had been passed amid events incident to such a character. Fearless, self-reliant, open in his enmities, warm in his friendships, wedded to his opinions, and marching directly to his purpose through and over all opposition, his career was checkered with success and defeat: but even in defeat his energies were strengthened and his character developed. When he reached these shores, his keen observation taught him at once that he trod a broad field, and that a higher career was before him. He had no false pride: sprung from a people and of a race whose vocation was labor, he toiled with his own hands, and sprang at a bound from the workshop to the legislative hall. From that time there congregated around him and against him the elements of success and defeat—strong friendships, bitter enmities, high praise, malignant calumnies—but he trod with a free and a proud step that onward path which has led him to glory and the grave.

It would be idle for me, at this hour and in this place, to speak of all that history with unmitigated praise: it will be idle for his

enemies hereafter to deny his claim to noble virtues and high purposes. When, in the Legislature, he boldly denounced the special legislation which is the curse of a new country, he proved his courage and his rectitude. When he opposed the various and sometimes successful schemes to strike out the salutary provisions of the Constitution which guarded free labor, he was true to all the better instincts of his life. When, prompted by ambition and the admiration of his friends, he first sought a seat in the Senate of the United States, he aimed by legitimate effort to attain the highest of all earthly positions, and failed with honor.

It is my duty to say that, in my judgment, when at a later period he sought to anticipate the Senatorial election, he committed an error which I think he lived to regret. It would have been a violation of the true principles of representative government, which no reason, public or private, could justify, and could never have met the permanent approval of good and wise men. Yet, while I say this over his bier, let me remind you of the temptation to such an error, of the plans and reasons which prompted it—of the many good purposes it was intended to effect. And if ambition, "the last infirmity of noble minds," led him for a moment from the better path, let me remind you how nobly he regained it.

It is impossible to speak within the limits of this address, of the events of that session of the Legislature at which he was elected to the Senate of the United States; but some things should not be passed in silence here. The contest between him and the present Senator had been bitter and personal. He had triumphed. He had been wonderfully sustained by his friends, and stood confessedly "the first in honor and the first in place." He yielded to an appeal made to his magnanimity by his foe. If he judged unwisely, he has paid the forfeit well. Never in the history of political warfare has any public man been so pursued; never has malignity so exhausted itself.

Fellow-citizens! the man whose body lies before you was your Senator. From the moment of his election his character has been maligned, his motives attacked, his courage impeached, his patriotism assailed. It has been a system tending to one end: and the end is here. What was his crime? Review his history—consider his public acts—weigh his private character—and before the grave encloses him forever, judge between him and his enemies!

As a man—to be judged in his private relations—who was his superior? It was his boast, and amid the general license of a new country, it was a proud one, that his most scrutinizing enemy could fix no single act of immorality upon him! Temperate, decorous, self-restrained, he had passed through all the excitements of California, unstained. No man could charge him with broken faith or violated trust; of habits simple and inexpensive, he had no lust of gain. He overreached no man's weakness in a bargain, and withheld from no man his just dues. Never, in the history of the State, has there been a citizen who has borne public relations, more stainless in all respects than he.

But it is not by this standard he is to be judged. He was a public man, and his memory demands a public judgment. What was his public crime? The answer is in his own words: "*I die because I was opposed to a corrupt administration, and the extension of slavery.*" Fellow-citizens, they are remarkable words, uttered at a very remarkable moment: they involve the history of his Senatorial career, and of its sad and bloody termination.

When Mr. Broderick entered the Senate, he had been elected at the beginning of a Presidential term as the friend of the President elect, having undoubtedly been one of his most influential supporters. There were unquestionably some things in the exercise of the appointing power which he could have wished otherwise; but he had every reason to remain with the Administration, which could be supposed to weigh with a man in his position. He had heartily maintained the doctrine of Popular Sovereignty, as set forth in the Cincinnati Platform, and he never wavered in his support till the day of his death. But when in his judgment the President betrayed his obligations to his party and country—when, in the whole series of acts in relation to Kansas, he proved recreant to his pledges and instructions—when the whole power of the Administration was brought to bear upon the legislative branch of the Government, in order to force Slavery upon an unwilling people—then, in the high performance of his duty as a Senator, he rebuked the Administration by his voice and his vote, and stood by his principles. It is true, he adopted no half-way measures. He threw the whole weight of his character into the ranks of the Opposition. He endeavored to arouse the people to an indignant sense of the iniquitous tyranny of federal power, and, kindling with the contest, became its fiercest and firmest opponent. Fellow-citizens, whatever may have been your political predilections, it is impossible to repress your admiration, as you review the conduct of the man who lies hushed in death before you. You read in his history a glorious imitation of the great popular leaders who have opposed the despotic influences of power in other lands, and in our own. When JOHN HAMPDEN died on Chalgrove field, he sealed his devotion to popular liberty with his blood. The eloquence of Fox found the sources of its inspiration in his love for the people. When Senators conspired against Tiberius Gracchus, and the Tribune of the people fell beneath their daggers, it was power that prompted the crime and demanded the sacrifice. Who can doubt, if your Senator had surrendered his free thought, and bent in submission to the rule of the Administration—who can doubt that instead of resting on a bloody bier, he would have this day been reposing in the inglorious felicitude of Presidential sunshine?

Fellow-citizens, let no man suppose that the death of the eminent citizen of whom I speak was caused by any other reason than that to which his own words assign it. It has been long foreshadowed—it was predicted by his friends—it was threatened by his enemies: it was the consequence of intense political hatred. His death was a political necessity, poorly veiled beneath the guise of a

private quarrel. Here, in his own State, among those who witnessed the late canvass, who know the contending leaders, among those who know the antagonists on the bloody ground—here, the public conviction is so thoroughly settled, that nothing need be said. Tested by the correspondence itself, there was no cause, in morals, in honor, in taste, by any code, by the custom of any civilized land, there was no cause for blood. Let me repeat the story—it is as brief as it is fatal: A Judge of the Supreme Court descends into a political convention—it is just, however, to say that the occasion was to return thanks to his friends for an unsuccessful support. In a speech bitter and personal he stigmatized Senator Broderick and all his friends in words of contemptuous insult. When Mr. Broderick saw that speech, he retorted, saying in substance, that he had heretofore spoken of Judge Terry as an honest man, but that he now took it back. When inquired of, he admitted that he had so said, and connected his words with Judge Terry's speech as prompting them. So far as Judge Terry personally was concerned, this was the cause of mortal combat; there was no other.

In the contest which has just terminated in the State, Mr. Broderick had taken a leading part; he had been engaged in controversies very personal in their nature, because the subjects of public discussion had involved the character and conduct of many public and distinguished men. But Judge Terry was not one of these. He was no contestant; his conduct was not in issue; he had been mentioned but once incidentally—in reply to his own attack—and, except as it might be found in his peculiar traits or peculiar fitness, there was no reason to suppose that he could seek any man's blood. When William of Nassau, the deliverer of Holland, died in the presence of his wife and children, the hand that struck the blow was not nerved by private vengeance. When the fourth Henry passed unharmed amid the dangers of the field of Ivry, to perish in the streets of his capital by the hand of a fanatic, he did not seek to avenge a private grief. An exaggerated sense of personal honor—a weak mind with choleric passions, intense sectional prejudice united with great confidence in the use of arms—these sometimes serve to stimulate the instruments which accomplish the deepest and deadliest purpose.

Fellow-citizens! One year ago to-day I performed a duty, such as I perform to-day, over the remains of Senator Ferguson, who died as Broderick died, tangled in the meshes of the code of honor. To-day there is another and more eminent sacrifice. To-day I renew my protest; to-day I utter yours. The code of honor is a delusion and a snare; it palters with the hope of a true courage and binds it at the feet of crafty and cruel skill. It surrounds its victim with the pomp and grace of the procession, but leaves him bleeding on the altar. It substitutes cold and deliberate preparation for courageous and manly impulse, and arms the one to disarm the other; it may prevent fraud between practiced duelists who should be forever without its pale, but it makes the mere "trick of the weapon" superior to the noblest cause and the truest courage. Its

pretence of equality is a lie—it is equal in all the form, it is unjust in all the substance—the habitude of arms, the early training, the frontier life, the border war, the sectional custom, the life of leisure, all these are advantages which no negotiation can neutralize, and which no courage can overcome.

But, fellow-citizens, the protest is not only spoken, in your words and in mine—it is written in indelible characters; it is written in the blood of Gilbert, in the blood of Ferguson, in the blood of Broderick; and the inscription will not altogether fade.

With the administration of the code in this particular case, I am not here to deal. Amid passionate grief, let us strive to be just. I give no currency to rumors of which personally I know nothing; there are other tribunals to which they may well be referred, and this is not one of them. But I am here to say, that whatever in the code of honor or out of it demands or allows a deadly combat where there is not in all things entire and certain equality, is a prostitution of the name, is an evasion of the substance, and is a shield, blazoned with the name of Chivalry, to cover the malignity of murder.

And now, as the shadows turn toward the East, and we prepare to bear these poor remains to their silent resting-place, let us not seek to repress the generous pride which prompts a recital of noble deeds and manly virtues. He rose unaided and alone; he began his career without family or fortune, in the face of difficulties; he inherited poverty and obscurity: he died a Senator in Congress, having written his name in the history of the great struggle for the rights of the people against the despotism of organization and the corruption of power. He leaves in the hearts of his friends the tenderest and the proudest recollections. He was honest, faithful, earnest, sincere, generous and brave; he felt in all the great crises of his life that he was a leader in the ranks, that it was his high duty to uphold the interests of the masses; that he could not falter. When he returned from that fatal field, while the dark wing of the Archangel of Death was casting its shadows upon his brow, his greatest anxiety was as to the performance of his duty. He felt that all his strength and all his life belonged to the cause to which he had devoted them. "Baker," said he—and to me they were his last words—"Baker, when I was struck I tried to stand firm, but the blow blinded me, and I could not." I trust it is no shame to my manhood that tears blinded me as he said it. Of his last hour I have no heart to speak. He was the last of his race; there was no kindred hand to smooth his couch or wipe the death damp from his brow; but around that dying bed strong men, the friends of early manhood, the devoted adherents of later life, bowed in irrepressible grief, "and lifted up their voices and wept."

But, fellow-citizens, the voice of lamentation is not uttered by private friendship alone—the blow that struck his manly breast has touched the heart of a people, and as the sad tidings spread, a general gloom prevails. Who now shall speak for California?—who be the interpreter of the wants of the Pacific coast? Who can ap-

peal to the communities of the Atlantic who love free labor? Who can speak for masses of men with a passionate love for the classes from whence he sprung? Who can defy the blandishments of power, the insolence of office, the corruption of administrations? What hopes are buried with him in the grave!

> "Ah! who that gallant spirit shall resume,
> Leap from Eurotas' bank, and call us from the tomb?"

But the last word must be spoken, and the imperious mandate of Death must be fulfilled. Thus, O brave heart! we bear thee to thy rest. Thus, surrounded by tens of thousands, we leave thee to the equal grave. As in life, no other voice among us so rung its trumpet blast upon the ear of freemen, so in death its echoes will reverberate amid our mountains and valleys, until truth and valor cease to appeal to the human heart.

Good friend! true hero! hail and farewell.

ISAAC N. ROOP.

By Judge A. J. Bruce.

Isaac Newton Roop was born in Carroll County, Maryland, on the thirteenth day of March, 1822. His parents were natives of New York city, and of German origin. They lived for some time in the State of Pennsylvania, and in the year 1790, removed to the State of Maryland. Isaac was reared on a farm, and though his father was wealthy, he enjoyed such limited opportunities for education that, when he left home at the age of eighteen, he could scarcely write his own name. This defect, however, was in due time quite remedied, through the instrumentality of a Miss Nancy Gardiner, a graduate of the Transylvania College, with whom, in December, 1840, he established at once the twofold relation of husband and pupil. Under her tutorage he received a thorough English education, and laid the foundation work for that period of usefulness that succeeded to him in his later years.

Miss Nancy Gardiner was born in Pennsylvania, December 22d, 1822. In the same year of her marriage, she, with her husband, moved to Ashland County, Ohio. Ten years later she died, leaving her husband with three children, two sons and a daughter. Both of these sons enlisted in the service of their country, during the late war, and participated in the North-Western campaign under Gen. Rosecrans. The youngest, Isaiah Roop, was severely wounded at the terrible battle of Stone River, and died from its effects the following year. The remaining son, John V. Roop, is now living in the State of

Iowa. The daughter, Mrs. Susan Arnold, came to California in the year 1862. She was much beloved by her father, and has stood by his side to cheer him and administer to his comfort since the day of her meeting him here. She resides in Susanville, Cal., in the home made beautiful by the hand of her illustrious father. On the ninth day of September, 1850, and but a few months after the loss of his wife, Gov. Roop started for California. He arrived in San Francisco on the eighteenth day of October of the same year, and in June following went to Shasta to keep a public house. His first three years in California were spent in Shasta County, in farming and trading. During this period he also held the situation of Postmaster and School Commissioner. He had accumulated in that time upwards of fifteen thousand dollars, worth of property, but in June, 1853, lost it all by fire. Stripped of everything but an unconquerable will, and being of an adventurous disposition, he turned his back upon civilized life, and journeying across the Sierras, took up his abode in Honey Lake Valley—at that time a long distance from any settlement, and solely inhabited by Indians. Here he located the land upon which the city of Susanville now stands, built a saw mill near by, and continued to reside here up to the day of his death, February 14th, 1869. During his residence in Honey Lake Valley he was engaged in lumbering, farming and trading, filled many offices of profit and trust, and, to a considerable extent, followed the practice of the law. The beautiful valley first settled by him has grown up into a flourishing county, and the little village which he laid out has become a large and prosperous commercial town, and the county seat of Lassen County. Honey Lake Valley, as lately as the year 1858, was considered by its settlers as a part of Utah Territory. Becoming indignant at the insolence and petty oppressions of the Mormons, these early settlers, with other residents of western Utah, resolved, in the year 1859, to cut loose from all political communication with a people they so heartily despised. Accordingly, a convention was called in July of that year, which, having drafted a Constitution

for the new territory formed out of this part of Utah, and christened Nevada, the same was adopted by the people, and an election held in pursuance of its provisions for choosing a Governor and other territorial officers.

At this election, held on the seventh of September, Isaac N. Roop was chosen Provisional Governor of the proposed territory by nearly a unanimous vote. The first Legislature elected in this new territory met and organized in the town of Genoa, Carson Valley, on the fifteenth of December, 1859. O. K. Pierson, of Carson city, was elected Speaker, H. S. Thompson, Clerk, and the Hon. J. A. McDougal, Sergeant-at-Arms. To this Legislature Governor Roop delivered his first Message. The Governor adjourned the Legislature to the first Monday in January following, whereof he informed the people by proclamation. In that proclamation Governor Roop gave the reasons of the people of the proposed territory for the organization of a provisional government. The proclamation declared that "under Mormon rule they had no protection for life, limb, or property. They had no Courts or County organizations except those controlled by the sworn satellites of the Salt Lake oligarchy. Their political rights were entirely at the will of a clique composed of those who were opposed to the first principles of our Constitution and the freedom of the ballot box. Under these circumstances all endeavored to secure relief from these impositions, and believing that a Provisional Government would best assure protection of life, limb, and property, an election was held and all necessary arrangements made for the formation of temporary government until Congress should insure justice and protection."

A short time after, U. S. District Judge Cradlebaugh succeeded in establishing his Court in the new territory; a new Delegate to Congress, in the person of John J. Musser, had been elected and dispatched to Washington; extensive mines were discovered in the Carson Valley, which caused an influx of population wholly unexpected at the time of the meeting of the convention—and only a portion of the members of the first Legislature were

present at its first meeting—wherefore, in the language of the proclamation, "I, Isaac N. Roop, Governor of the Provisional Territorial Government of Nevada Territory, believing it to be the wish of the people still to rely upon the sense of justice of Congress, and that it will this session, relieve us from the numerous evils to which we are subjected, do proclaim the session of the Legislature adjourned until the first Monday in January, 1860; and call upon all good citizens to support with all their energies the laws and Government of the United States." During his gubernatorial term many wise measures were adopted for the better security of the early settlers in western Utah, and quite extensive campaigns carried on against the hostile Indians all along the border. He became very intimate with Gen. Lander, and was joined by him in many of his efforts for the suppression of Indian outrages upon the early settlers.

After the formation of the Territory of Nevada, in 1861, Governor Roop was elected to the Territorial Senate. There he acquitted himself honorably and won the lasting esteem of the entire population of the Territory. In 1862 he became the leading spirit in a movement to join Honey Lake Valley with the Territory of Nevada. For three or four years previous thereto the boundary line between California and Nevada had been in dispute. During that time many of the citizens of Honey Lake Valley acquiesced in the jurisdiction of Nevada. The Legislature of the Territory passed a bill fixing the boundaries of a new county to be called Roop, so as to include Honey Lake Valley, having its county seat at Susanville. A conflict of jurisdiction almost immediately ensued. The Nevada Legislature thereupon appointed three commissioners, R. M. Ford, Jas. W. Nye and I. N. Roop, to present its memorial to the California Legislature, with a view to obtain a change of the boundary line in accordance with the recommendation of Congress. The Legislature of the State of California refused to grant the request, and two years afterward Governor Roop had the satisfaction of seeing Honey Lake and its adjacent sister, Long Valley, erected into a

separate, independent county government. If he could not succeed in placing his home where it naturally and properly belonged, he had been successful in making it independent of the snows and summits of the Sierras. With this he was partially content, as previous to this time the county seats of the Counties claiming jurisdiction over Honey Lake Valley were separated from it by the Sierra Nevada Mountains, which were impassable two-thirds of the year. At an early day, as soon as a Post Office was established in Susanville, he was appointed its Postmaster, which position he held up to the day of his death.

In politics, Governor Roop belonged to the Whig party as long as it had an existence. In 1860 he voted for Stephen A. Douglas. At the outbreak of the civil war in America he heartily espoused the Union cause, and was identified with every movement among his neighbors, to render aid and comfort to the soldier in the field. In 1864 he supported Lincoln, both with his voice and his vote. In 1865 he was elected to the office of District Attorney for the County of Lassen, receiving the entire Democratic vote and nearly two-thirds of the Republican vote. In 1867 he was reëlected without opposition, From his earliest settlement in the country he took a leading part in all measures tending to the welfare of its citizens, and has had much to do toward shaping the affairs of this coast. He was a man of enlarged mind and noble charities, true to his friendships, kind in his disposition, and manly in his character. He possessed the elements of popularity in a high degree, being frank, sociable and courteous, and of unbounded hospitality. Naturally he was a man of quick perception, sensitive, high-minded, and of approved courage. Though owner at various times of large property, and surrounded with a rude abundance, such had ever been his liberality in dealing, and so numerous his kind offices, that at no time was his condition one of financial independence. He was, moreover, a man of fine physical development, standing nearly six feet high, and well proportioned. He possessed regular features, and an intelligent, cheerful, good-natured counte-

nance. His florid complexion and light-blue eyes indicated his active temperament and love of out-door pursuits. He died at his residence in Susanville, February fourteenth, 1869, after an illness of six days. He was buried with Masonic honors, and the following extract from the resolutions passed by the Lodge of which he was a member shows the esteem in which he was held, and finds an echo in every heart that knew him.

"In the death of Isaac N. Roop the Masonic Order has lost an ardent friend, one ever attached to its precepts, one whose heart and hand were ever open to the melting appeals of charity, whose benevolence, knowing no bounds, seemed to embrace the vast sea of humanity, whose generous will extended itself for the good of Masonry, and whose enlarged mind was ever impressed with the controlling tenets, Charity, Relief and Brotherly Love. The benevolent impulses, the charitable disposition, the generous promptings—emanations of a noble heart—the persevering will and manly attributes that adorned the intellect and character of Isaac N. Roop, will ever be deeply esteemed, fondly cherished and remembered by his brethren of Lassen Lodge."

THOMAS H. SELBY.

By William Y. Wells.

EXPERIENCE has shown that municipal affairs are never so faithfully administered as when removed from the control of professed politicians. A familiarity with party tactics, which has generally been deemed the stepping-stone to National as well as State official preferment, is not essential to the well-being of a city which requires especially the exercise of common sense, economy, and executive ability. The qualities indispensable to the management of a large commercial firm are not less demanded in the governing head of a community, and the most successful rulers of American cities have been those who were chosen from among business men, irrespective of politics, and solely with reference to honesty and capability. Elected by the right influences, such men have usually been popular while in office, and, retiring, have carried with them the confidence and esteem of their fellow-citizens.

An illustration of this is found in the present Mayor of San Francisco, who has been for twenty years the head of one of her first commercial houses. Mr. Selby was born and educated in New York city. He was for some time a clerk with A. T. Stewart, having entered that establishment at the same time with the afterwards celebrated Cyrus W. Field. At the age of nineteen he was elected, after an exciting campaign, a director of the Mercantile

Library Association, of which he and his young friend Field were members.

On attaining his majority he commenced business for himself, in New York, and at twenty-five was a partner in an establishment with upwards of forty employés. After a few years the house, yielding to the financial pressure of that period, suspended; and its affairs having been temporarily arranged, Mr. Selby, taking upon himself the entire burthen of its debts, joined the tide of humanity then setting towards the Pacific Coast, with the sole and avowed object of paying off the liabilities of the firm.

Animated by this laudable purpose, the young man landed in San Francisco in August, 1849, and true to his resolve he devoted the proceeds of his business to settling up the indebtedness. The profits of three years of lucrative speculation and trade were thus consumed. Like thousands of others, he had originally intended to return as soon as this obligation had been fulfilled; but, as it became evident that San Francisco was destined to be one of the world's emporiums—a grand commercial centre, with every inducement for a permanent location—he decided to cast his lot in California. In the summer of 1850 he erected a substantial brick building—still standing—on the north side of California street, near Montgomery, which was one of the earliest of its kind in the city and attracted much attention at that time as a costly novelty in architecture. Here he established the present house of Thomas H. Selby & Co., and commenced the importation of metals and merchandise, which he has followed until the present time, under the same name and style, in connection with his New York partner, Mr. P. Naylor. One of the most active members of the First Presbyterian Society of San Francisco, he was especially influential in building their church on Stockton street, near Broadway, which was commenced in the fall of 1850. Services had originally been held in a tent, the Rev. Albert Williams officiating. The edifice, completed early in 1851, was destroyed by the great fire of that year, and was rebuilt in the same place. Many of the

leading members, Mr. Selby among them, withdrew subsequently and built the well known Calvary Church, on Bush street, which in turn has disappeared before the march of improvement. His own building was in the desolating track of the fire of 1851, but was saved by the exertions of Mr. Selby, who, with a few others, shut himself up there, and fought the destroyer with water obtained from a well dug in the basement for just such an emergency. For some time the iron shutters were red hot, and the party would fain have escaped from their perilous position had it been possible; but by the courage of desperation the building was preserved, and the whirlwind of flame passed on.

The preferences of Mr. Selby have usually been averse to politics; but nevertheless, his great personal popularity and evident availability have repeatedly been made use of to draw him into public life, though always against his own earnest protest. In each instance he has been triumphantly elected, and has filled the requirements of the position with the same conscientious fidelity that has ever characterized his actions. The one objection that his friends could name was, that prior to election, he invariably retired from active participation in the contest, and left the issue with the public, shunning all contact with politicians, and failing to exert even the legitimate amount of electioneering influence sanctioned by political usage. His tastes, avoiding the thankless turmoil of public office, leaned rather to the quiet of private life, and the rivalries of trade and commercial pursuits.

In April, 1851, he was elected Assistant Alderman of the Fifth Ward, and took his seat in the Board a few days after the conflagration above mentioned. As a member of the Common Council, his name appears on many committees, and the record shows that he was one of the most industrious members of the Board. By the terms of the new City Charter, then lately gone into operation, the officers chosen at the annual election in September of that year, were installed soon after; Mayor Brenham giving place to Dr. Harris, and the old Board vacating for the newly elected one, by decision of the

Supreme Court, thus limiting their official term to about six months.

Released from public duties, Mr. Selby gladly returned to his more legitimate business; from which retirement he was again brought forth in the fall of the following year; when, against his strongest protestations, he was nominated as Alderman of the Fifth Ward, and was, of course, elected by a great majority. He was at that time an "Old Line Whig," belonging to a party of glorious memories, including in its numbers the most illustrious men of America, but destined, after the defeat of Scott and the death of Clay and Webster, to decline and disappear; many of its adherents, like Mr. Selby, eventually joining the Democracy and imparting a leaven of strength and patriotism to that organization. Mr. Selby's name appeared on nearly all the tickets in the campaign of 1852—the "Regular Whig," the "Independent Whig," the "People's Favorite," the "Independent," and the "Union," (the latter composed about equally of Whigs and Democrats.) National, State, county and city candidates, from President and Vice-President down to the smallest local officers, were on the same ticket, and were voted for together. In San Francisco alone there were eighty-seven offices to be filled, and for these there were one hundred and eighty candidates in the field. Seven out of eight wards returned Whig Aldermen—a noteworthy fact, considering that the State and county went Democratic—the incoming Legislature having a majority for that party of thirty-four on joint ballot. This result in the election of local officers was due to the great number who voted the Independent ticket; and when, years afterwards, a similar influence elected Mr. Selby to the Mayoralty, it furnished the second instance of his having been chosen to office by a spontaneous popular movement.

On the 12th of November, 1852, the new government was duly installed, with C. J. Brenham—elected for the second time—as Mayor. The previous City Council had the summer before purchased the Jenny Lind theatre (the present City Hall) in defiance of the wishes of the people and the veto of Mayor Harris; and the incoming

administration held their first session there. The county of San Francisco at that time extended to San Francisquito Creek, its southern boundary—the present county of San Mateo having been subsequently created. The municipal government proper consisted of the Boards of Aldermen and Assistant Aldermen, while the affairs of the county were especially managed by a Board of Supervisors, (composed partly of the Board of Aldermen) of whom the Mayor was the presiding officer. The newly elected Common Council entered upon their duties with a curious array of complications to contend against. A wide range of local business and city improvements, some beneficial and others concealing corrupt jobs, demanded prompt action to aid or defeat. Venal legislation at Sacramento, to an alarming extent, threatened the prosperity of the city. The gigantic State Prison appropriation; the City Slip Bill; the infamous Extension Project, including a raid upon the whole tidal front of the city, and a change in the grading from the highlands to the bay; the State printing expenditures, in the payment of which San Francisco was largely interested; the Stamp Act and Notary Public bills—all designed as exactions upon the property-holders of that city, required clear-headed ability and the devotion of time to counteract their baneful tendency. Other perplexing subjects were soon to arise, such as an amended or new city charter, and the removal of the State capitol. The outgoing City Council had left affairs in the worst possible condition, and the press teemed with denunciations of their acts. Gas and wharf contracts, originating in barefaced favoritism, and a wasteful use of the public money, both by needless contracts and appropriations, formed the burthen of the articles.

"There can be no doubt," said a writer of that time, "that during the three years past, there has been more corruption, fraud, and dishonesty in the municipal affairs of this city than in any other city in the world. Ignorance, inability, and stupidity, have only been varied with crime, fraud, and corruption. More wicked schemes for personal advancement, without the flimsiest pretext of desire for the public good, have passed our City Council

than any other modern legislative body in Christendom. City hospital—Merchant Street—grading and planking operations—old city hall—funding scheme—water lot legislation—Colton grants—Jenny Lind theatre—each and every one calls to the mind of our old citizens entire chapters of scheming iniquity. * * A city entering upon its career with a richer patrimony than any other of modern times, having, under the Mexican law, a landed property that would have enriched a State, is not only destitute of ornaments and conveniences, but is saddled with a debt of one million six hundred thousand dollars, to anticipate our revenues and grind us with taxes for twenty years to come." The ingenious Peter Smith and Limantour swindles, alarming the community by their magnitude, and involving the titles to most of the valuable real estate in San Francisco, were rearing their menacing heads in the courts. Property was insecure, and the public mind harassed by doubts, uncertainties, and conflicting interests.

Upon the organization of the Board of Aldermen, Mr. Selby was placed on most of the hard-working committees, of some of which he was chairman, and his business talent and industry were manifest throughout his official term. At that time the Board of Education was composed of the Mayor, one member from each branch of the Common Council, and two citizens at large. Mr. Selby represented this body from the Board of Aldermen, and found ample scope for the advancement of his favorite subject of free public schools. The Board of Education had the appointing of a Superintendent of Public Instruction. Mr. Selby was also especially active in reorganizing the Police Department, a work to which he applied himself at once upon taking his seat. When the Extension Bill was passed by the Assembly in April, 1853, and the five Whig members of the San Francisco delegation resigned their seats, he supported them in their appeal to the people, and gave all his energies to reëlecting them as an expression of the public sentiment. And the record of those early days points to him invariably as a steadfast and watchful friend of the best interests of the

city, as he was ever the uncompromising opponent of all schemes for depleting the public treasury.

One of his first acts in the Board of Aldermen was in defence of the city to the lands covered by the Peter Smith claim. Soon after the induction of the new Common Council into office, the Supreme Court rendered its famous decision adverse to the city in the above-named suit. Public feeling was wrought up to the highest pitch. Mayor Brenham called an extraordinary meeting of the Council, and in a brief message set forth the danger and recommended immediate action. Alderman Selby submitted a series of resolutions, which were published in all the newspapers, warning innocent parties against purchasing titles to property under the Peter Smith sales, and giving notice that all titles acquired under them would be contested by the city government. The City Attorney was also empowered to act in conjunction with the attorney of the Board of Commissioners of the Funded Debt, in adopting measures for contesting the validity of the title acquired under the sale. This was the commencement of the memorable Peter Smith contest, which, after several years of costly litigation, resulted in favor of the municipality. Alderman Selby was the first to strike officially at the ordinance imposing a tax upon every passenger arriving at San Francisco, and introduced a resolution for its repeal. He was also instrumental in procuring the donation by the city, in 1853, of a lot at Rincon Point to the United States Government, as a site for a Marine Hospital, and was the originator of the idea of establishing "fire limits," within which wooden buildings could not be erected. His influence against bad legislation was not confined to local affairs, but numerous iniquitous schemes; among them, the deep-laid plot for dividing the State, found in him a powerful and persistent enemy. Had that measure been successful, slavery would have been introduced into the proposed new State of "Southern California," and the evil effects experienced during the late civil war. In short, Mr. Selby brought to the management of public affairs the same shrewdness, sound judgment, and economy that he exerted in his own; and

his official record bears the closest examination for the vigor and administrative ability which distinguished it throughout. As at that time he consented with reluctance to engage in politics, so in 1869, it was only after repeated solicitation, by the various nominating conventions, to which were added the urgent appeals of personal friends, that he was finally induced to become a candidate for the mayoralty, it being generally conceded that no other citizen combined so completely the elements of success. The result was in keeping with the past, and showed that his personal popularity was not overestimated. He was elected in the face of a combination of partizan engineering and moneyed influence such as has rarely been concentrated against a political candidate. Never defeated before the people, the stamp of success seems to be inevitably affixed to every thing with which he is associated. Seventeen years before, when he was elected Alderman, the city contained about 45,000 inhabitants, and polled 8,023 votes: in 1869, with a population estimated at about 160,000, the vote was 21,600, a falling off of 4,000 from the Presidential vote of the previous year.

The positions of honor and trust which Mr. Selby has filled in mercantile and social life, it would be difficult to enumerate. President of the Merchants' Exchange, and the first President of the Industrial School Association, he was foremost in organizing those bodies, and was an active member of the committees that superintended the erection of the buildings for both. President of the Board of Trustees of Calvary Church, and of the City College, a life director of the Mercantile Library Association, and an establisher and liberal supporter of two seminaries of learning in San Mateo county, his name is honorably connected with the progress of enlightenment and education in California. In a number of instances, he has been appointed executor of valuable estates, and always without bonds.

With an activity and healthy vigor of mind and body which honors the most exacting demands on their power of endurance, Mr. Selby systematises his time so as to transact a surprising amount of business. No accumula-

tion of labor seems to embarrass or annoy him, while a habit of directing the efforts of others enables him to keep every part of the complicated machinery in motion without hurry or confusion. Besides the establishment on California street, which is his financial headquarters, Mr. Selby has branch stores at Marysville and Stockton, with their ramifications extending to all parts of the State. His Silver and Lead Smelting Works at North Beach, San Francisco, which cost $100,000 to erect, are the means of keeping not less than twenty mines in operation in California, Nevada, and Arizona, this being their only market. Ores and crude metal, worth $150,000, may at any time be seen piled up, awaiting reduction at the works, which give constant occupation to about seventy-five men; while, indirectly, several hundred miners are kept employed by this ready consumer of the product of their labor. Add to this another branch of industry, his San Francisco Shot Tower, and some idea may be formed of the extent and variety of his engagements. This establishment employs a large number of men, both at the works, and in the mines supplying it with lead. The manufacture of shot in California is due to the energy and persistency of purpose of Mr. Selby, who commenced it amid manifold discouragements, and the general prediction of his failure to compete with the Eastern States. It has proved successful, however, and nearly the whole Pacific coast is supplied from this source, while a powerful impetus is given to California industry.

About thirty miles from San Francisco—an hour and a quarter by rail—is the country seat of Mr. Selby—a place of about five hundred acres, and a model of rural attractiveness and high cultivation. The eye is never wearied admiring the landscape of broad fields waving with fertility, blending the richest foliage, tropical in its luxuriance, with a pleasing diversity of grain and pasture land, and the view bounded in the distance by picturesque, wood-crowned hills. The estate produces annually from five to ten thousand bushels of the cereals, and an orchard—the largest in San Mateo county—yields

two thousand bushels of choice fruits. Amid the continual demands upon his time, Mr. Selby finds leisure for a personal supervision of this extensive property, which, for its genial climate and quiet pastoral beauty, is a favorite resort after the cares of the day, in preference to his city residence. Adorned with every appliance that art and refined taste can suggest, this mansion is the summer retreat of the family, and while its fortunate proprietor may felicitate himself in the contemplation of a successful and honorable business career, he is equally happy in the companionship of that personal loveliness and amiability which, when they grace the social circle, hallow and endear the sacred name of home. Under Mr. Selby, San Francisco entered upon a new era of prosperity. Conciliatory and popular in manners, liberal alike in theory and practice, with a record for integrity that has always stood above the breath of suspicion, and thoroughly conversant with the requirements of the city where he has spent his best years, he commenced his official duties under the most favorable auspices, and his term as Mayor, when reviewed hereafter, will exhibit the same beneficent motives and practical intelligence that have hitherto guided his actions in the walks of private and public life.

JAMES NISBET AND FRANKLIN TUTHILL.

In the month of August, 1865, the San Francisco *Evening Bulletin* chronicled a loss which is quite remarkable in the history of journalism on the Pacific coast. Two of its proprietors and leading editors, who had done much to give the paper the high character it still maintains, were lost to it by death—the one by a dreadful marine disaster on the northern coast, the other by disease on the eastern side of the continent, and both within a few days of each other. James Nisbet, who was long the news and literary editor of the paper, and who deserves a place in this work as the first historian of San Francisco, was lost at sea on the steamship *Brother Jonathan*, July 30th, 1865. This vessel was on the way from San Francisco to Victoria, V. I., with almost two hundred souls on board, when she struck a sunken rock off St. George's Point, eight or ten miles north-west from Crescent City, and went down about forty-five minutes afterwards. All on board were lost except about a score of persons. Among the passengers who perished, besides Mr. Nisbet, were Maj. Gen. George W. Wright, of the United States Army, and wife; Gen. A. C. Henry, of Washington Territory; Major E. W. Eddy, of the United States Army, several other army and navy officers, and a number of citizens of California prominent for worth and talent. Amid the terrible scene transpiring around him at the wreck, and with the horror of sudden death staring him in the face, with hardly a possibility that it would be averted, Mr. Nisbet was calm and thoughtful enough to write out

a will in pencil, and to address notes of farewell to some of his friends, even remembering some children of whom he was fond by their pet names. The act was characteristic of his unselfish and courageous nature. His remains were recovered, brought to San Francisco, and interred in Lone Mountain Cemetery, where rest those of his former associates on the *Bulletin*—its founder, James King of Wm., C. J. Bartlett, and C. O. Gerberding, who preceded him a few years.

Mr. Nisbet was born in Glasgow, Scotland, about the year 1817. His parents were of high respectability and considerable fortune, and he enjoyed during youth every desirable opportunity for that intellectual training which developed his naturally vigorous mind to form a very useful character. On arriving at the proper age, he chose the profession of law, and after graduating, traveled over the principal countries of Europe. Subsequently he became a partner in a prominent Glasgow firm of lawyers. He was more inclined to seek literary pursuits than to contend for the rights of clients in the legal tribunals, and always abstained from appearing as an advocate. His strong tendency to literature is shown by the fact, known to only a few intimate friends, that he was the author of an elaborate and meritorious novel, published before leaving Scotland, under the title of *The Seige of Palmyra.* He always cherished the purpose of devoting himself to some literary work that might give him a permanent reputation. In about the year 1852, having previously lost a considerable property by an unfortunate investment in railroad stock, he decided to seek a reparation of his fortune in some remote portion of the world, where there might be better opportunities for profitable personal exertion than in his native land. With this view he first visited Australia, but was disappointed in the aspect of affairs there presented, and after spending a few weeks in inspecting the gold mines, returned to England. A few weeks later he set sail for California, where he arrived in November, 1852. In San Francisco he first found employment in writing a work historical and descriptive of this city—the well known *Annals of San Francisco*, in the authorship of

which Frank Soulé, Esq., and Dr. J. H. Gihon were associated, though Mr. Nisbet did a large part of the work. The writing for this was very hasty, and he never attached any value to it, although time is giving it considerable interest. While engaged on the *Annals* his industry, discriminating judgment, and power thoroughly to perform great intellectual labor, at once surprised and delighted his employers and associates in the book, one of whom, Mr. Soulé, about the same time became part proprietor of a prominent daily newspaper, *The California Chronicle*, to which circumstance is due the fact that Mr. Nisbet, while still engaged on the *Annals*, was transferred to a desk in the editorial rooms of that paper. He continued in that position until March, 1856, when, at the solicitation of James King of Wm., he accepted a higher position on the *Bulletin*, and ultimately became one of its proprietors. For nine years afterward, until the date of his fatal voyage, he filled the position of supervising editor of the *Bulletin*, evincing great industry, taste, judgment and devotion. He was a purist in the matter of selections and language, a singularly independent critic in literature, music and the drama, and master of a terse, vigorous English style. His theory of journalism was above passion and personality, and conformed to the honorable rules which regulate the intercourse of gentlemen. Although he did not write the leading editorials, and never wrote on political topics at all, confining his labors almost exclusively to the news desk and the supervision of other departments, he used his influence to modify the asperities of contests that the paper could not avoid. Puffery in any degree found in him a stern foe, and he was almost morbidly sensitive lest the paper should be prostituted to unworthy uses, its reading columns made a medium for personal or business matters, or its advertising columns opened to any kind of impurity. He elevated the paper into an ideal institution, with a strict code of morals to which all were made to conform. In his own character he possessed the best elements to maintain the peculiar authority he exercised in the office. He led a pure and chaste life, free from every vice, and was possessed of a

singularly robust constitution. "His innate love of justice was so great that no personal friendship could tempt him to desert the right or excuse a wrong; and yet he loved his friends with a devotion that was not counterbalanced by hatred for enemies. No journalist of this country was ever so continuously reviled for the faults or pretended faults of others, and yet he would not deviate in the slightest degree from the straight line to seek redress for an injury. Those who made themselves his enemies he wished to forget and dismiss from recollection. If he had a weakness, it was extreme sensitiveness as to his personal honor. He freely confessed that he could never clothe himself in iron mail so as not to feel the effects of unjust criticism—indulgence in which he characterized as peculiarly American—and this sensitiveness becoming known to newspaper men generally, served to incite attacks from that class of them who, having no independent reasoning powers or ideas of justice, are ever seeking opportunities for notoriety by stinging whatever innocent and unresisting objects can be made to feel their spite." Although, as stated above, he was not one of the leading writers of the paper, and was not responsible for its political course, he was yet held accountable, during several years, for whatever in its columns provoked animosity, and was made the victim of some of the cruelest slander. When he died, his surviving partners said of him: "It is due to justice that we now admit and chronicle the fact, that any excellencies which the *Bulletin* has heretofore possessed resulted from Mr. Nisbet's labors more than from those of any other person, while he is perhaps responsible for fewer of its faults than any of the other writers that were immediately associated with him. It was his labor that made the *Bulletin* instructive and attractive in its news and literary departments; his finishing strokes were seen in almost every column, all of which he made consistent one with the other. The editorials upon local and national politics and upon the passing topics of the day, many of which have doubtless provoked a multitude of resentments, were none of them the production of Mr. Nisbet. He engaged in no strife, assailed no one, was offensive to no

one, but was useful and serviceable to his partners, of value to the State and country, and an honor to his kind. Such men as Mr. Nisbet, and particularly in the profession which he adorned on this coast, seldom gain appreciation or reward from the busy world, that knows so little how much it is their debtor. They devote their lives to constant labors which are the most exacting upon body and brain, and require a large amount of self-abnegation, and their quiet, modest usefulness is disregarded amid the selfish excitements and passions that whirl about them. Happy, indeed, are they if slander and abuse do not disturb their still lives, and follow them to the grave. But we believe that in spite of his own sensitive and retiring nature, our departed friend and co-worker was better appreciated in this community than he himself knew, and will be sincerely regretted by all whose natures sympathize with what is most pure and lofty in our common humanity."

FRANKLIN TUTHILL, one of Mr. Nisbet's partners and editorial associates in the *Bulletin*, died in New York on the 27th of August, 1865—the same day that the latter's remains were conveyed to their final resting-place in San Francisco. He left this city in October, 1864, for a trip through Europe, hoping to recover from an organic disease which had long preyed upon his health. He returned to New York in July, 1865, after a rapid and pleasant journey through England, France, Spain, Italy, and some of the German States, apparently almost restored to health, and confident of his ability to return at an early day to his editorial post. But while engaged in correcting the proofs of his *History of California*, which was then being printed in New York, he was seized with a relapse and soon passed away. The *Bulletin* published the following sketch of his life:

Dr. Tuthill was born April 3d, 1822, in Suffolk county, on the east end of Long Island, of a highly respectable family, which was among the earliest settlers on the Island.

He entered college when only fourteen years old, and graduated when eighteen. He subsequently studied medicine under such distinguished Professors as the late Valentine Mott, Sr., Doctors Draper, Revere, and their associates, and graduated at the New York University in 1844. He immediately began to practice his profession near his native place, and followed it with success for seven years, taking to it that conscientious devotion to duty, patience, kindness, and nicety of perception, which are essential to the character of a good physician, and which in his character were always leading traits. Without the least obtrusiveness or desire for publicity, Dr. Tuthill became, through his genial nature, his intelligence, and his zealous attention to the best interests of the community, a very popular man. Although a Whig in politics, he was for five successive years appointed Town Superintendent of Schools by a Democratic Board of Supervisors. In 1860, he was elected by a handsome majority to represent his district in the Assembly of New York, and was the first Whig, with a single exception, ever sent to the Legislature from that ancient stronghold of Democracy. While in the Legislature, he distinguished himself by his ability and tact in debate, by his industry, by his integrity amidst much corruption, and by his earnest labors in favor of the revised School Act, a measure of great benefit to the cause of popular education in the Empire State, the passage of which was largely the fruit of his exertions. He was also an earnest and eloquent advocate of the canal enlargement policy, the success of which, despite the strong opposition of the Democracy at a special legislative session, greatly increased the commerce and wealth of the State. He strove to get through a bill legalizing dissection of the human body, as a means to facilitate anatomical studies, in conformity with the practice in some foreign countries; but the measure was killed by amendments after it passed the preliminary stage in both Houses, though it became a law a year or two later. He made a lengthy report upon an absurd petition to make bleeding in medical practice a penal offence, provoking thereby a spirited discussion in

the profession at home and abroad, and a slashing review which extended through three numbers of the *English Quarterly*—an organ of the Chrono-Thermalists.

While a member of the Legislature, Dr. Tuthill removed to New York, intending to resume the practice of medicine in that city; but at the end of a year he followed his stronger bent to literary pursuits, and became one of the editors of the *Daily Times*, in which position he labored until 1859 with peculiar ability and success. Indeed, he developed the most admirable capacity for journalism, and gave to it the best energies of his life. He continued in his new sphere his interest in popular education, and was an active friend of medical science and of the various benevolent institutions of the city, showing the most liberal feeling in regard to the admission of women to all the advantages of a thorough medical education afforded by the clinics and colleges. He was credited with exercising a decided influence upon municipal affairs, and urged with great ability some of most important measures of public policy, including the new City Hall, the Central Park, and other public improvements. He probably did more by his articles in the *Times* than any other person to convince the people and the authorities of that city of the value and need of a great park, and to induce the action which resulted in creating what is destined to be one of the finest city parks in the world. His facts and arguments were so pertinent and well arranged, his style so pointed, yet graceful and attractive, that whatever he wrote on local topics was sure to be read attentively by all, and to secure through cotemporary journals a wider circulation than even the vast edition of the *Times* could secure.

His public spirit and usefulness led to his being elected to the Legislature from New York city in 1858, when he again became conspicuous for his devotion to measures of vital importance to the State, and for the rare grace, tact and ability with which he advocated them in debate. At this time, also, he was among the most earnest of the early Republicans. His instincts were always opposed to slavery, as to every other form of injustice, and he had

watched with concern the retrogressive policy on this question of the Southern Democracy. His opposition to slavery extension was earnest and radical, without a trace of fanaticism. On this subject he agreed in opinion with that far-sighted and cool-headed statesman, Gov. Seward, whose personal friendship he enjoyed, and of whose policy the *Times* has always been an able defender. He lived long enough to be gladdened, as over a private joy, at the final and complete removal of the nation's shame, without wrong-doing or rashness on the part of the Government which he loved.

Dr. Tuthill came to San Francisco, and his connection with the *Bulletin* commenced, about November, 1859. In January, 1862, he purchased a proprietary interest in the establishment. While he remained in the State he was constantly engaged as a writer of editorials or general-information articles for the second and third pages of this journal, or as legislative correspondent from Sacramento. In whichever capacity he labored, his work was brilliantly executed. His mind sparkled with genius, and his frail physical system obeyed its demands by almost ceaseless labor, until, alas! the body wore out at the early age of forty-three. It seemed as though he could not sleep, for fear some valuable thought might be lost for the want of a ready hand to record it. Coming to California in response to an invitation from this office, he resolved to make his permanent home here, and at once absorbed the spirit of the country. He speedily made himself familiar with every institution and capability of the State, and within a year after his arrival possessed an amount of historical knowledge and local information concerning men and things that would have shamed most pioneers who might have ventured to compare knowledge with him. This intellectual achievement was accomplished by a vast amount of dry and uninviting "head work." After each day's newspaper labor had been finished, and after his evening entertainments were over, he devoted a large share of the night to poring over the bound files of old California newspapers, carefully noting each fact and circumstance that had historical value, or that could be made

useful to him as a journalist. He followed up this practice until all the files in the *Bulletin* office, in the Mercantile Library, as well as the mass of bound volumes of newspapers in the State Library at Sacramento, were essentially read through, and their contents treasured in his mind. It was a work of years, mostly performed while others slept.

The fruits of this labor were largely enjoyed by the *Bulletin;* but since Dr. Tuthill left California, the fact has been ascertained that he had a higher ambition to gratify than could be gained as a newspaper writer, and which accounts for his persevering investigation. It seems that while he was performing an extraordinary amount of intellectual labor in connection with this journal—and while as an active church member, teacher in the Sunday schools, occasional lecturer before benevolent institutions and temperance societies, his leisure hours were apparently fully employed—he was engaged in still another labor, which absorbed the highest capacities of his mind. He was devoting a certain number of hours each day to collecting materials for and writing a history of California. What the scope and design of his history may have been we have no means of knowing, further than the title imports, for he seems to have admitted no one into his confidence on the subject, outside of his family and the publisher whom he consulted. We learn to-day, for the first time, that when Dr. Tuthill left California he took with him the manuscript copy of his history, embracing matter enough for a large volume, which was placed in the hands of the printer in New York before he left that city for Europe. While traveling in foreign countries, it appears that he visited the principal libraries where manuscripts concerning the early history of California are preserved, and it is presumable that his history is to be enriched and made authentic by much valuable data not hitherto published. After his return to New York from Europe, he was employing his time in superintending the printing of his book, when death terminated his earthly duties. We can assume with certainty, however, that his history is written with

the same purity, clearness, compactness and grace which characterized his style as a writer for the press, and which lent a charm to everything that came from his pen.

In our invigorating climate, and surrounded by the fascinating circumstances of life in a new country, he seemed to develop in the course of his newspaper writing a different and higher capacity. The critical reader of the *Bulletin's* columns while he was employed upon them, will remember the keen wit, the playful fancy, the original and apposite illustrations, the abundant flow of humor, the fund of information, the felicitous use of words, which gave beauty and influence to his daily productions. These traits were observable in all he did, either as editor, correspondent or reporter. His reports of public meetings, speeches and debates were peculiarly graphic, picturesque and entertaining, giving the very life and spirit of the scenes or utterances reproduced. His happy reports of the earliest lectures and sermons of Thomas Starr King first introduced and popularized on this coast that distinguished man, who acknowledged to Dr. Tuthill how much he esteemed this brilliant labor in his behalf, and who also expressed his admiration for the Doctor's own rare merit as an extemporaneous speaker, in which capacity he was often called upon to serve some charitable, religious or literary institutions in this city. His gifts were fatal to him: for while he was entirely averse to display, and never courted notice in any manner, he loved to do with all his might what his heart and intellect prompted, and thus sacrificed the physical vigor that could alone sustain him even at the single task of journalism.

It is impossible for those who recently labored with Dr. Tuthill in connection with this journal, to adequately express their high appreciation of his character, or the depth of their sorrow at his loss. None but those who knew his pure and guileless nature, his genial ways, his unvarying cheerfulness, his truthfulness, his benevolence, his utter lack of malicious or sinister traits, can understand how he was beloved and how keenly his loss is felt. But it is some consolation to reflect that a very large num-

ber of people in this State knew him personally, many of them intimately—for he was accessible to all—and that they, as well as ourselves, recognized him as a friend, while they appreciated his great value to society. No man in his position could have enjoyed more of public esteem than he had earned. In the church where he regularly attended, and in the private circles drawn around him, he was sincerely beloved. Whatever antagonisms were provoked by the course of the *Bulletin* on public questions, never extended to him personally; and yet he made no concessions of principle or action to win the esteem that everywhere flowed to him, and which we are sure must have been peculiarly grateful to his feelings. His writings and his daily walks were guided by convictions of duty, and his life has been offered on its shrine.

UNIVERSITY
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S. Clinton Hastings

SERRANUS CLINTON HASTINGS.

By Thomas P. Madden.

The ancestry of this gentleman can be traced to times far remote. He is a lineal descendant of the General of his name who led the Danish forces into England during the Heptarchy. His grandfather emigrated from England to Rhode Island early in the seventeenth century. His father, Robert Collins Hastings, a man of considerable intelligence, was bred a mechanic, but his ardent temper drew him away from his laborious pursuits to a wider field and higher sphere of usefulness. During the War of 1812, he commanded a company of soldiers at Sackett's Harbor. He was conspicuous in the exciting political events of his day, and was a firm friend and supporter of DeWitt Clinton. After that noble patron of virtue, learning and labor, he named his son. His wife (mother of S. Clinton) was a Miss Brayton, of the pioneer family of that name, who were the first settlers of Jefferson and St. Lawrence counties, New York.

Serranus Clinton Hastings was born in Jefferson county, New York, Nov. 22d, 1814. In early youth, he passed six years in study at Governeur Academy. At the age of twenty, he became the principal of the Norwich Academy, Chenango county, New York. This position, after one year's successful teaching, he resigned, having introduced the Hamiltonian system of instruction in the languages, the Angletean system of mathematics, and other branches of education.

He commenced the study of law with Charles Thorpe, Esq., of Norwich. In the office of this gentleman he prosecuted his studies only a few months, when, in 1834, he emigrated to Lawrenceburg, Indiana, where, in the office of Daniel S. Majors, Esq., he completed his legal studies. He did not enter immediately upon his professional labors. During the bitter presidential contest of 1836, he edited the *Indiana Signal*, an influential journal which gave a spirited and effective support to Martin Van Buren.

In December, 1836, Mr. Hastings resumed his march westward. Arriving at Terre Haute, Indiana, he presented himself to Judge Porter, of the Circuit Court, and stood the test of a severe legal examination at the hands of that able jurist.

He continued his journey until he reached the Black Hawk Purchase, (now the State of Iowa) and arrived at Burlington in January, 1837. In the following spring he took up his residence on the western bank of the Mississippi, where has since sprung up the city of Muscatine, Iowa. At that time this vast stretch of country was attached to the Territory of Wisconsin for judicial purposes. Mr. Hastings now resolved to commence the practice of the profession for which he had prepared himself. He was examined by Judge Irwin, by whom he was admitted to the bar in 1837. Shortly afterwards, he was commissioned a Justice of the Peace by Gov. Dodge of Wisconsin, with jurisdiction extending over the country lying between Burlington and Davenport, a distance of ninety miles. The western limit of his jurisdiction being undefined, the grasping young magistrate, for his own satisfaction, fixed it at the *Pacific Ocean*—not having the fear of Mexico before his eyes. He had but one case during his term of office—a criminal charge against a man, who was found guilty by the Justice of stealing $30 from a citizen and $3 from the court. The sentence was, that the prisoner be taken to an adjacent grove and tied to an oak tree, and to receive upon his back thirty lashes for the money taken from the citizen and three lashes for the $3 stolen from the court, and to be thence transported

across the river to the Illinois shore and banished from the Territory for ever; which sentence, in presence of the court and of all the people, was duly and formally executed.

On June 12th, 1838, Iowa was erected into a separate Territory. Mr. Hastings became the Democratic candidate of his district for the first Legislature to assemble under the Territorial Government. After a very spirited contest, he was elected.

From time to time thereafter, and until 1846, (when Iowa was admitted into the Union) Mr. Hastings continued in public life, representing his constituents either in the House or Council. During one of these sessions of the Territorial Legislature, he was elected President of the Council, the duties of which position he discharged with great dispatch. During another session, while a member of the Judiciary Committee, and associated with Hon. James W. Grimes, since United States Senator, he reported from the committee the celebrated statute known in Oregon and Iowa for many years as the *Blue Book*. This work was accomplished in ninety days, the limit of a legislative session. It was also during one of these sessions that occurred what is known in the history of Iowa as the "*Missouri War*." This "war" originated in the attempt of the sheriff of Clark county, Missouri, and other Missouri officials, to collect taxes within the territorial limits of Iowa. Gov. Boggs of Missouri and Gov. Lucas of Iowa were the acknowledged and opposing leaders. Mr. Hastings took an active part in this conflict. He left his seat in the Legislature, repaired to Muscatine, and took command of the "Muscatine Dragoons" and three companies of militia. Without tents or sufficient clothing, with no arms except pistols and bowie-knives, no forage for his animals, and a scanty supply of food for his men, he led his forces in the heart of a stern and bleak winter entirely through the "enemy's country" towards the southern boundary of Missouri. The result of this campaign was the bloodless but glorious capture of the obnoxious sheriff, who was taken triumphantly back to the outraged soil of

Iowa, and lodged in the Muscatine county jail. Before Major Hastings could again cross the Missouri line, where the Missouri forces were preparing to meet him, the difficulties were adjusted and peace fully restored.

Shortly after the termination of this serio-comic campaign, Major Hastings was appointed on the Governor's staff, with the rank of Major of Militia.

Early in 1846, a convention of the people of Iowa assembled at the Capitol, and accepted the boundaries proposed by Congress for the new State. Major Hastings was unanimously nominated for Congress, and elected subsequently by the people.

Iowa being admitted into the Union, December 28th, 1846, Major Hastings took his seat as her representative in the Twenty-ninth Congress. With one exception, he was the youngest member of the House of Representatives—a body noted for the virtues and talents of its members. John Quincy Adams had not yet been removed from the theatre of his great triumphs. Abraham Lincoln, Stephen A. Douglas, Andrew Johnson, and other bright names, shone on the roll of members.

In January, 1848, Major Hastings was appointed Chief Justice of the Supreme Court of Iowa. He held this position a little more than one year, when he resigned for the purpose of emigrating to California. He arrived in this State in the spring of 1849, and settled at Benicia. Shortly after his arrival, he was unanimously elected by the Legislature Chief Justice of the Supreme Court, and served out his term of two years.

In 1851, Judge Hastings received the Democratic nomination for Attorney General, to which position he was elected by the people, receiving the highest vote cast at the election, except that given to the candidate for State Treasurer on the same ticket, Major Richard Roman. This vote was considered highly complimentary, as the field was occupied solely by his Whig opponent, who eloquently canvassed the State. At the end of his two years' term of office, he retired to private life, and has not since been before the people as a candidate for office.

Judge Hastings is a married man, and has eight living

children—four boys and four girls. He is a man of nervous, active temperament, genial manners, and agreeable presence. He is tall in stature and of powerful build, possessing great physical endurance. He is a ready and racy debater, but lays no claims to oratory. He is not particularly adapted to the legal profession, and his nature rebels against the restraints of judicial office. His legal attainments are, however, considerable. He is a fine Latin scholar. His conduct and decisions, as the highest judicial functionary of two States, have been generally commended, and not once, in our presence or to our knowledge, condemned. His conversation is decidedly entertaining, and at times infused with wit and humor. His heart cannot grow old. Politics and finances generally engross his thoughts.

While wearing the honors and cares of office, whirling in the dizzy round of political agitation, he always husbanded his resources, and managed his private business affairs with consummate wisdom. He is one of the few pioneers of California who grasped the golden opportunity offered by the flush, exciting times when the State was in her infancy, to lay broad and deep the foundations of their future wealth. His entire career, whether viewed from a political or financial standpoint, has been one of unbroken, almost marvelous success.

Judge Hastings was the guest of Gov. Seward in his tour of observation through Oregon, Washington, and Alaska, in the summer of 1869; and private duties interfered to prevent him accompanying that great friend of the Pacific coast in his journey through our sister Republic. He is addicted to travel, and, since he left public office, the greater part of his time which could be spared from the proper conducting of his children's education and the management of his estates, has been spent in extended visits to the Eastern States and Europe. His residence is at San Francisco.

JAMES WILLIS NESMITH.

By the Editor.

This early pioneer of Oregon occupies a prominent place among the representative men of the Pacific Coast. He is one of the few surviving public men who sought the extreme west, impelled more by the love of adventure than by a thirst for fame or fortune. He came to these shores when a very young man, long before the discovery of gold in California, and made his home in Oregon, where he has passed the greater portion of his life.

His remote paternal ancestors migrated from Argyleshire, in Scotland, and settled in Ireland, in the province of Ulster, about the year 1612. His great, great grandfather, James Nesmith, emigrated from the valley of the river Bann, in North Ireland, to America, in 1718. He was one of the first sixteen settlers in the town of Londonderry, New Hampshire. In this town the father of James Willis was born, and passed his early boyhood. Before he had grown to man's estate, he moved to Acworth, New Hampshire. Afterwards he married a Miss Willis of Elizabethtown, New Jersey, and emigrated to the eastern frontier of Maine, where James Willis, their only child, was born July 23d, 1820. His mother died when he was but eight months old. At the age of nine years, the boy was thrown upon his own resources, his father, who was a merchant and trader, having been unfortunate and reduced to poverty some years previous. By hard work of various kinds he kept himself above want. At the age of fifteen he walked the entire distance

from Brooks, Maine, to Aeworth, New Hampshire. In summer, whenever he could find employment, he worked upon farms, and devoted his winters to study at the district school.

When eighteen years old he left Clearmont, New Hampshire, with all his worldly goods packed upon his back, and twenty-five dollars in pocket, and traveled on foot to Albany, New York. Thence he proceeded, partly on canal boats and partly on steamboats as a deck passenger, to Cincinnati, Ohio. Here his funds gave out. He obtained employment as a farm hand near the Queen City, and continued for some time to work at his old occupation, receiving twelve dollars per month for his services. When the "melancholy days" returned, he was no longer required upon the farm, and was compelled to look elsewhere for work. He soon secured a new "engagement" to cut cordwood, at fifty cents per cord.

From 1838 until the spring of 1843, Mr. Nesmith followed a sort of nomadic life in the States of Illinois, Missouri and Iowa. During this period he learned the carpenter trade, at which occupation, being of a mechanical turn of mind, he became very proficient. During the latter part of 1842 and the beginning of 1843, the young carpenter assisted in the construction of Fort Scott, now in the State of Kansas.

In the spring of the latter year a number of men were preparing to emigrate to Oregon from Missouri. Mr. Nesmith determined to join them. He had concluded that his prospects of acquiring a competence by hard labor were dismal; and as he loved the adventures incident to a frontier life, he gladly embraced the opportunity which now offered to penetrate the solitudes of the wilderness, and explore the vast unknown regions which stretched to the west of the Missouri. The party started overland from Independence. Among its members were Peter H. Burnett, afterwards first Governor of the State of California, Pierson B. Redding, Samuel J. Hensley, and others who have attained distinction in the States of the Pacific. Being expert with the rifle and the shot-gun, Mr. Nesmith hunted for a mess of six or

eight men, whom he kept supplied with meat in regions where any game could be found. He arrived with his companions in the valley of the Willamette, Oregon, October, 1843. For two or three years thereafter he worked at the carpenter's trade. Soon after his arrival he determined to prepare himself for the legal profession. While following his trade he devoted his leisure hours to reading law.

In 1846, Mr. Nesmith was married, and settled on a farm, which he cultivated for about two years. He appears to have always cherished a fondness for the life and labors of a husbandman. But it was appointed that he should not remain secluded from the observation of his fellow men. From 1846 until 1866 he served the Territory and State of Oregon in many and varied capacities. During that period and since, he has also been engaged in many varieties of business pursuits: farming, milling and merchandising have alternately received his attention.

In 1848, he was a captain in the expedition against the Indians of Middle Oregon, during what was known as the "Cayuse War." In the latter part of that year he visited California, and worked for more than twelve months in the gold mines.

In 1853, he served as captain in the war with the Indians of Southern Oregon.

In 1853 and 1854, he was United States Marshal for Oregon.

In 1856, he commanded a regiment during the war with the Yackama Indians in north-eastern Oregon and Washington Territory.

In 1857 and 1858, he was Superintendent of Indian affairs for Oregon and Washington Territory.

His patience and ability displayed in the management of the complicated concerns of this department, attested his practical wisdom and absolute integrity.

When the memorable controversy arose between President Buchanan and Senator Douglas, Mr. Nesmith adhered to the views expressed by the latter, to whose course and conduct he gave a hearty endorsement. Though holding a federal office, his sentiments concern-

ing the events then disrupting the Democratic party were candidly asserted, without malice yet without reserve.

In June, 1860, President Buchanan removed him from the office he had held for more than three years, and in the administration of which he had given so much satisfaction. Three months had not elapsed thereafter, when the people of Oregon selected him to represent them in the national councils.

The Legislature of that State convened in September, being divided into three nearly equal elements—the Douglas Democrats, Administration Democrats, and Republicans, with the first-named party in a small plurality. After a few ineffectual ballots, Mr. Nesmith was elected United States Senator for the full term of six years from the fouth of March, 1861. Col. E. D. Baker was chosen for the short term of five years. During his Senatorial term, Mr. Nesmith served on the committees on Military Affairs, Commerce and Revolutionary Claims. He was a "War Democrat," and supported most of Mr. Lincoln's measures for the suppression of the Rebellion. He opposed the Emancipation Proclamation on the ground that the Constitution did not warrant its issuance. He believed President Johnson's policy of reconstruction was right, and endorsed it. He sympathized warmly with Mr. Johnson in his disputes with Congress. In the last Presidential election he supported Seymour and Blair, and the weight of his name and influence, in that election, probably turned the well-balanced scales in favor of the Democracy in Oregon.

Mr. Nesmith is an earnest and forcible, though not an eloquent speaker. He never wearies his auditors, and has no difficulty in engaging their attention, no matter to what subject he addresses himself. His bold, plain and emphatic utterances carry the conviction that he is a practical and truthful man. He is a devoted son of the State where he has so long lived, and his popularity is very great throughout the new north-west. The speech which follows this sketch, in which he urged upon Congress the necessity of establishing a branch of the United States Mint at Dalles City, Oregon, will be found interesting on

account of the view it presents of the mineral resources of Oregon, Washington, and Idaho, while his humorous attacks on the principal enemy of his favorite measure render its perusal anything but monotonous.

Speech of Hon. J. W. Nesmith,

DELIVERED IN THE UNITED STATES SENATE, APRIL 1ST, 1864, ON THE PROPOSITION TO ESTABLISH A BRANCH MINT AT DALLES CITY, OREGON.

MR. PRESIDENT: Early in the present session, impelled by a sense of duty to the State which I in part represent, I introduced the bill which has just been read; it was referred to the Committee on Finance for investigation. That committee did my colleagues in this body and in the other House, and myself, the honor to invite us before them to present such facts as might be within our knowledge bearing upon the question under consideration; and we were not without hope that the reasons we then presented would induce the committee to give us a favorable report upon a measure of such vital importance to our State as well as to our neighboring Territories of Washington and Idaho.

It appears that the committee, deferring to a usage so venerable as to have almost become the common law of the Senate, after listening to the representations of our delegation, who were supposed to know something about the propriety of the measure, referred the question to the decision of the Secretary of the Treasury, who tacitly admitted that he had no information upon the subject, and who in return referred it to one James Pollock, Director of the Mint at Philadelphia, and who was the very man who knew less than any other party consulted, or likely to be consulted, about the question, and who has sent here a communication adverse to the establishment of the proposed branch mint in Oregon, and from which the following luminous extract is made:

"Coinage is one of the highest and most important attributes of national sovereignty, and should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government. It is respectfully suggested whether the providing of additional coinage establishments does not tend toward national disintegration."

While the fate of the measure rested with the unbiased judgment of the honorable Senators who compose the Finance Committee, I had no apprehensions of anything but a favorable result; but

when my bill was sent on a voyage of discovery, first to the casemates of the Treasury Department, and thence to the genius who presides over the parent mint in the city of "brotherly love," I was apprehensive that I should never again behold the fair proportions of my cherished offspring. My worst fears have been realized. My bill has returned from its peregrinations hawked at, torn, and dilapidated by the stupidity and ignorance of the company it has kept, and its mangled remains are now before me in the shape of a recommendation for an assay office.

Before I had ever beheld the American Congress I was so verdant as to suppose that great questions affecting the country, or any portion of it, were decided by the intelligence and good sense of the members, without reference to the narrow, contracted, and antiquated prejudices of some old fogy of some previous generation, whose views could only be valuable as an illustration of what might be said by an active, energetic, and successful competitor for the capital prize at the world's fools' fair.

My constituents are an eminently practical and unsophisticated sort of people. When I return to them I shall be called upon to give an account of all the deeds and misdeeds done by me in this body; and among other things I shall be called upon to explain why their prayer for a branch mint was not responded to. Well, sir, in my shame and confusion, I shall have to state that Mr. Pollock was opposed to the measure. They will naturally enough say, "We sent you to the American Congress to urge our claims, and cannot see what Mr. Pollock had to do with the question." You cannot imagine, Senators, how the people, in their simplicity, will be startled and surprised when I deliberately proceed to tell them that before a branch mint can be established for the coinage of their gold, the bill must be sent to one James Pollock for his approval or disapproval. If I am so fortunate as to convince them that this Pollock is a coördinate branch of this great and glorious Government, they will very naturally desire to know upon what grounds and upon what reasons he based his refusal to so just a demand. Then I shall be forced to unfold to them the mighty, profound, and luminous reasons of the philosopical, astute, and recondite Pollock, in this wise: "Oregonians, you might have had a branch mint to coin your gold and your silver at your doors, and thus save you from a loss of fifteen or twenty per cent. of the precious metals for which you so industriously delve in the earth, and of which you are daily being robbed, either by speculators or by reason of the risk, expense, and delay incident to sending your gold and silver thousands of miles away to be coined; but the truth is, that by some recondite process beyond my comprehension, and known only to the great political alchemists, the profound Pollock, after submitting branch mints to the torturing process of decomposition and analysis, has discovered that their component parts 'consist of treason, secession, withdrawal from the Union,' abrogation of constitutional compacts, denial of Federal authority, disregard of oaths, usurpation of national prerogatives, stealing of public property, arson, and murder,

all of which, when recombined into a modern branch mint, constitutes the essence of all these crimes latterly known as *disintegration!* Why, sir, after this lucid statement of the evils which our people in their simple credulity have invoked upon their own heads, when again the people of Oregon, Washington, and Idaho Territory petition you for the location of a monster of so hideous mien in their midst, you will be enabled to silence their clamors at once by the bare mention of "Pollock Disintegration," or "Disintegration Pollock." Why, sir, its effect will be as instantaneously soothing as the cabalistic invocation of the "*Manitowa*" which frightens the young Indian to sleep, or the bare mention of that devil in English which reduces white urchins to a state of propriety if not of slumber. Mr. Pollock, it would seem, has not only found time to draw his annual stipend with the greatest regularity, but has devoted some of his leisure hours to an examination of the Constitution of the United States, upon which instrument he assumes to become a commentator, and with the greatest self-complacency proceeds to inform us that "coinage is one of the highest and most important attributes of national sovereignty, and should be exercised and controlled in such a manner as will tend to strengthen rather than weaken the national Government," and then proceeds to suggest that "additional coinage establishments tend toward national disintegration."

It is true, sir, that our forefathers in forming the Constitution of the United States did define the powers of Congress; and among a variety of specified objects placed within its jurisdiction was that "to coin money and regulate the value thereof;" but Mr. Pollock is the first of the great commentators who has found it necessary to raise his warning voice against a liberal exercise of this "one of the highest attributes of national sovereignty," so essential to the prosperity and general welfare of a great and powerful nation. His profound reasoning would seem to indicate that even the limited exercise of this great prerogative was only a safe experiment when conducted at the parent mint at Philadelphia, and under his own personal care and supervision; and while no danger is to be apprehended from "disintegration" upon the slip of land between the Delaware and Schuylkill, yet, from some occult reason, the most dire and disastrous consequences were sure to follow the exercise of this wonderful power beyond those magic limits.

The Constitution also authorizes Congress "to borrow money on the credit of the United States," and no one seems disposed to regard the unlimited exercise of this power as at all dangerous. It also provides that Congress shall have power to levy and collect taxes, duties, imposts, and excises; to regulate commerce with foreign nations and the Indian tribes; to establish a uniform rule of naturalization, and uniform laws upon the subject of bankruptcy; to fix standards of weights and measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish post offices and post roads; to promote the progress of science and useful arts; to constitute tribunals in-

ferior to the Supreme Court; to declare war and grant letters of marque and reprisal; to raise and support armies. These are but a few of the great powers confided to congressional jurisdiction, to be exercised for the prosperity and development of a great and progressive people. It has remained for Mr. Pollock to discover that at least *one* of these great powers cannot be exercised beyond the boundaries of his own town. He might with the same propriety propose to restrict the exercise of all the rest within the same narrow limits.

Congress having availed itself of the constitutional grant to coin money and fix the value thereof, exercised this "highest and most important attribute of national sovereignty" by determining the mode by which the thing should be done. Its functions ceased for the time being when the mint, or factory to execute its mandates, was set in motion for that purpose. No restrictions were placed upon the quantity of coin to be made, that being left to be determined by the quantity of material furnished for the purpose and the capacity of the factory to work it up.

No one but Mr. Pollock is impressed with the idea that every time he applies the necessary physical force to the lever to swedge a piece of nickel into the shape of current coin, he is any more exercising the "attributes of national sovereignty" than is every day exercised by the stage driver who cracks his whip over the team that draws the mail, or the coal-heaver that stokes the fire to generate steam for its propulsion by water. All these are simply doing the physical labor necessary to accommodate the people with coins and mails, in pursuance of different acts of Congress, predicated upon a fundamental grant of power. The stage driver or the stoker could, with quite as much propriety, give us their disquisitions upon the constitutional power, or the dangers to be apprehended from its exercise, by reason of "disintegration," resulting from the establishment of new mail routes or increased speed upon the old ones, as Mr. Pollock has for his absurd attempt to prevent the people upon the Pacific slope from being accommodated with pieces of metal fashioned into money at a Government factory, by virtue of pre-existing authority.

Mints, and branch mints, notwithstanding all the mysterious dignity with which Mr. Pollock attempts to surround them, are mere workshops, or factories, established by the Government for the accommodation of the people, and should be located at points convenient to where the raw material is produced, in order that those engaged in that production should enjoy at least some of the benefits of the fabrication. The man who is so narrow-minded and selfishly prejudiced as to desire to confine their operation to a single and inconvenient point in this great country, so abounding in the precious metals, might as readily urge that every iron-foundry, brick-yard, saw and grist mill, blacksmith, hatter, and shoemaker shop necessary to accommodate more than thirty millions of people, should be established in the same village, and thus check any incipient tendency toward "disintegration."

Why, sir, when the patriotic people of Oregon, and Washington and Idaho Territories, read Pollock's letter, and comprehend that his report against their proposed branch mint is based upon his fears that so petty a consideration should shake their loyalty or induce them to become traitors to their country and their flag, they will simply treat his absurd theories with the scorn and contempt they deserve. A public officer who, in the middle of the nineteenth century, could descend to indulge in such imputations against a loyal and patriotic people, under the guise of defending the Constitution, has about as much conception of that instrument as the grave-worm has of the intellect which once animated the body upon which it feeds. The author of such vagaries could not excite the anger of a sensible people, who, if he were present among them, would be moved by the highest dictates of humanity and philanthropy to cut him for the simples.

We read in the Scriptures that Nebuchadnezzar fed upon grass, but there is no evidence that he ever became fit for beef; so from analogy we may infer that Pollock, though he directs and controls a factory which he regards as embodying all the attributes of national sovereignty, will hardly ever attain a condition qualifying him for the proper exercise of those high functions.

When my colleagues and myself went before the Committee on Finance to urge upon them the propriety of this measure, we found ourselves laboring under some embarrassment in the production of conclusive evidence in relation to the quantity of gold being produced, and likely to be produced, in the region of country to be accommodated by the proposed branch mint.

Owing to the great distance which separates us from our constituents, the delays, difficulties, and uncertainties of communication with them, and in part to their own carelessness and neglect to forward the necessary data upon which to predicate our statements, we were only able to furnish an approximate estimate of the results of their industry in mining pursuits during the last year. With a consciousness that we were within bounds, we stated that our exportations of gold for the last year amounted to more than an average of one million dollars per month. When called upon by the honorable chairman of the committee to submit our views in writing, we offered the following communication:

WASHINGTON, January 20th, 1864.

SIR: At the suggestion of the committee, at its late meeting upon the subject of a branch mint proposed to be established at the city of Portland, State of Oregon, the undersigned submit a statement of facts which have induced them to ask the passage of the bill now before you.

Preliminary to this we will remark that, owing to the fact that from the local situation of the mining region which will be tributary to the proposed branch mint, a large share of the treasure passes out of it by private hands, we cannot pretend to give accurate statistics of its mineral products. The mines lie along the eastern boundary of Oregon, and extend thence north and into the British Possessions, and east to the summit of the Rocky mountains. This region embracing all of Idaho on the western slope, and a large share of the Territory of Washington and the State of Oregon, finds its outlet by way of the Columbia river, and

draws its supplies by the same channel. A mint located at the city of Portland, which is the commercial mart of all the country drained by the Columbia, would accommodate the whole of this vast region, now rapidly filling with a population whose principal, almost exclusive, business is that of mining.

The Territory of Idaho, organized last March, did not till within eighteen months contain to exceed five hundred white persons. In the month of October last the census taken by the United States Marshal showed a population of thirty-four thousand. This increase seems to indicate that the existence of rich and extensive mines is well established. A fair, candid estimate of the population engaged in mining and to be accommodated by this measure would probably place the number at fifty thousand. And we may add that in proportion to the labor employed, we believe no mines on the western slope yield so well.

Much of the treasure taken fron these mines finds its way out of the country in the hands of private individuals. There is no common place of deposit for it where it can be credited to its source, thus making it almost impossible to estimate its amount justly. The various express companies can give the amount which they transport, but this leaves an immense amount, which any one knows to exist who is acquainted with the independent mode in which a great many persons transact their business, thus entirely unaccounted for. As an instance of this, a late Portland (Oregon) paper states that the express company brought down by the daily steamer of the Columbia river only $1,000 in gold dust, while the same paper gives the names of two passengers who had over three hundred pounds in their possession, and others mentioned had smaller amounts. We say, therefore, that while the books and receipts of express companies show the only accurate statistics on the subject, they give no idea of the vast resources in mineral of the section, the interests of which will be accommodated by this measure.

Such data as we have we now submit. There are three private assay offices in the city of Portland. The amounts received by them, as shown by their books, an abstract of which is published in the "Oregonian" newspaper for November last, from January 15th, 1863, to October 20th, following, is $2,486,496.65. As an evidence of the growth of the product of gold we may mention that one office, making monthly statements of the amount received, gave for each of the two months preceding the last account almost double that of those earlier in the year.

Mr. Benjamin Holladay, of New York, who is the owner of the line of steamships plying between San Francisco and Portland, informs us that he has transported from Portland an average of from six to seven hundred thousand dollars per month during the past summer and autumn. This statement does not include the amounts in the hands of passengers, of which he knew nothing, but which, owing to the high insurance, we must conclude were large.

There being no regulation at the branch mint in San Francisco requiring the depositor of bullion to designate whence it came, there is no other means of obtaining any just estimate than by reports of the kind to which we refer. The recently published reports from San Francisco, made by a commercial board of that city, of the amount of bullion received there for the past year, credits Oregon and British Columbia with a product of five millions. This, of course, is based upon the receipts by shipments and through express companies, and leaves a vast amount—the whole that is diffused through the mining region and that portion which enters the circulation of business and agricultural parts of Oregon, and that shipped in the hands of passengers—unaccounted for. This, we do not hesitate to say, we believe amounts to as much more.

Ours is a growing State. Capital is finding many new avenues of employment and investment, and even as far back as 1860, when our mining interest was in its infancy, the city of Portland was, in proportion to the number of its inhabitants, the wealthiest city in the Union. So the census of that year will verify. We might give many items showing that the mines tributary to the proposed branch mint are very productive; but we refer to only one, and that only because it came directly to the knowledge of one of the undersigned. That was an instance where three men in six weeks' time, with their own hands dug out $180,000. These instances are not common, we admit, but they serve to show the exceeding richness of some portions of this northern region, and indicate the wealth which must soon there be developed. For the purpose of stimulating this development by providing the miner with a place for the assay of his gold without the loss of time, the risk of transmission by sea to San Francisco, and the payment of expressing and insurance

fees, and to prevent the swindling dealer in coin from robbing the miner of his fair earnings by his unjust discount, which many prefer to submit to rather than the inconvenience just alluded to, we ask you to consider the proposition favorably.

J. W. NESMITH,
B. F. HARDING,
JOHN R. McBRIDE.

Hon. W. P. FESSENDEN,

Chairman of Senate Finance Committee.

As auxiliary to this statement, we laid before the committee the following extracts from well known and credible Oregon newspapers relative to the production of gold solely within the State of Oregon:

THE GOLD AND SILVER MINES OF OWYHEE.—The news from the Owyhee mining district is sufficient to warrant the proud assertion that Oregon and Idaho territory will soon be recognized as the richest countries in mineral wealth on the face of the globe. Mr. Luther Hasbrook, a gentleman who has just returned from the Owyhee, called upon us on Thursday last and exhibited to us a sack full of quartz specimens, taken mostly from the Oro Fino, Morning Star, Evening Star, and Noonday lodes. Contrary to the usual custom of selecting the *richest* specimens for assay, Mr. H. brought down with him every character of rock which had been obtained in the lode, from the richest to the poorest. A chemical analysis of that taken from the Oro Fino shows a valuation of $22,000 per ton, with the proportion of $3,000 per ton in silver. From the Morning Star an average of $11,000 in gold and $2,000 in silver has been taken from a ton of the rock. The Evening Star is said to equal the Morning Star, while the Noonday, it is believed, will surpass all the others in richness. The above mentioned are all the lodes that have as yet been thoroughly prospected, though many others have been located and will be opened as soon as labor will accomplish it. Mr. Hasbrook could not recollect the names of all the different lodes which have been claimed, but mentions the following: Oro Fino, Morning Star, Evening Star, Noonday, Union, Whisky Gulch, Last Chance, Claremont, Highland, War Eagle, North Pole, South Pole, New York, Empire, Silver Gray, and Moonlight.

The above and a large number of others are found in a district of about five miles square, though Mr. Hasbrook assures us that there is not the slightest doubt of the entire Owyhee valley proving equally rich. Nor is the mineral wealth confined to the Owyhee exclusively, but to the whole country for fifty miles around. Aside from the gold-bearing quartz lodes, several ledges have been discovered which rival the richest of the Washoe or Esmeralda districts.

If the above reports be true, (and there is very little reason to doubt them) we may rest assured that the following season will witness the largest emigration to that region ever yet known. The great success of the miners during the past season has given encouragement to enterprising men everywhere, and instead of being regarded as a humbug, the richness and extent of our mines is acknowledged by all.

MORMON BASIN.—From Mr. Perry, a gentleman who has spent the summer in Mormon Basin, we derive the following in relation to this mining district. About two hundred and fifty men have been at work in the Basin during the summer, and their average pay has been fully up to the Boise standard. Indeed, it is thought that if they had an abundance of water in the Basin it would be the best mining camp in the northern country. Working with a rocker, the best day's work made was $225. The average pay was ten dollars per day to the hand. The gold is of a superior quality, and assays over seventeen dollars per ounce. On Clark's Creek, distant seven miles from the Basin, one hundred men have been at work, making good wages. Many of the miners have come out to winter, and it is thought that not more than one hundred and fifty men will winter in the mines. All through the summer there was a great demand for men. To laborers five dollars per day

was paid, and considering the difference in the cost of living, this is quite as good as six dollars in Boise. In the spring there will be a great demand for hands, and it is not unlikely that wages will go up to six dollars. Mr. Perry brought down with him several plethoric purses, filled with Mormon Basin dust. It is coarser than that from Boise, and in the lot that we examined there were many pieces that would weigh from one to two dollars. Without doubt, Mormon Basin is a rich mining district, and with another year a large amount of treasure will be taken out.—*Mountaineer.*

Tons of Gold.—The Nez Perce Chief brought down last evening the richest freight that any steamer on the Columbia river ever bore. Wells, Fargo & Co. had 183 pounds, ($35,000); one party of six miners had 800 pounds. ($150,600); another party of six men had 700 pounds, ($134,400;) another party of two men had 300 pounds, ($57,600); while one man had 150 pounds, ($28,000). Thus we have a total of 1,950 pounds ($370,600) in the hands of fifteen "honest miners," and 183 pounds ($35,000) in the hands of Wells, Fargo & Co. All of these fifteen persons our informant, who came down in the Chief, saw and conversed with. He also learned that nearly all the passengers had plenty of money. So it is fair to conclude that *two tons* of gold dust came down on the Chief last evening.—*Dalles Journal.*

From our own personal knowledge of that country, and our acquaintance with gentlemen making these and similar statements, we are satisfied of their reliability.

The region of country which will be accommodated by the establishment of the proposed branch mint extends from the forty-second to the forty-ninth parallels of latitude, and from the Pacific ocean to the Rocky mountains, embracing an area about eight times the size of the great State of New York, or about six times as large as the New England States. Throughout the length and breadth of this vast region, with the exception of but a few localities, both gold and silver abounds in inexhaustible quantities. But a few short years since I saw it an uninhabited wilderness, except that portion occupied by Indians, much of it apparently sterile and unproductive, and as was then thought by many, perfectly valueless. To-day it contains two hundred thousand busy, enterprising, industrious, and intelligent people, forming a nucleus around which millions will be found within a few brief years. During the last year its scattered and meagre population, with but few conveniences or facilities, and with rude appliances, produced $15,000,000 in gold. This year that product will be more than trebled, and that ratio of production will continue in the proportion that an industrious and energetic population is supplied from the older States and from foreign countries, until the production of the precious metals of that auriferous region will amount to $1,000,000,000 per annum.

Who, sir, would have had the temerity a few short years since to have predicted the vast revolution to be wrought in commerce, industry, national prosperity, and general enterprise by the discovery of gold upon the Pacific slope?

One morning in the year 1848, Bennett and Marshall, two individuals unknown to fame, picked up some pieces of yellow sub stance in Captain Sutter's mill-race, on the American river near Coloma, California. Those men, quite as unconscious of the magnificent results to flow from their discovery as was Columbus when

he first beheld the glimmering light upon the shores of America, held in their hands the germ that was to give a new impetus to the progress of the world. What has resulted from the discovery made by those two almost unknown men, though it has astonished and filled mankind with amazement, is but the precursor of what is to follow when the vast mining regions of Oregon, Washington, and Idaho have their mining resources more fully developed. As yet nothing has been accomplished upon the Pacific coast but a mere scratching of the surface. With machinery, capital, systematized labor, and good roads affording facilities for ingress and egress, and the cheaper transportation of necessary supplies, the production of gold and silver will be increased a thousand fold, and the nation will have in its own public domain, so rich in precious metals, resources ample for the liquidation of our public debt, even if we should be compelled to battle with treason and secession for another generation to come.

It does seem to me, Mr. President, that the Government, instead of pursuing a niggardly policy toward the hardy pioneers engaged in developing the region to which I have referred, should extend toward them all reasonable facilities for the successful promotion of an enterprise so fraught with the present and prospective interests of the nation.

The world changes, and he who attempts to oppose its mutations in place of accommodating himself to them, can lay no claims to statesmanship. When the Alleghanies were the western limit of the Union, and our annual gold production and coinage was about two hundred and thirty-three thousand dollars, as it was on an average for the twenty-four years from 1793 to 1817, then, when Presidents, Cabinets, and members of Congress, together with the more respectable portions of mankind, refused to send messages by telegraph, use postage stamps, or ride upon railroads, then the Mint at Philadelphia was at the hub of the American universe and in a central position, and could accommodate the nation. At present there is no more use or propriety in its being there than there would be in sending warming-pans to the East Indies, temperance lecturers to the State of Maine, Christian missionaries to Massachusetts, or steam cotton-presses to Terra del Fuego.

The little old man who so complacently sits in the little old Government workshop in Philadelphia, exercising "the highest functions of national sovereignty" by coining $3,000,000 of gold a year, while the Pacific slope is producing $100,000,000 and wants it coined into a circulating medium, will eventually have to yield to the logic of current events and take his shop to the gold, for the reason that the gold will not come to his shop.

This is a progressive world and a progressive people in a progressive age. Commerce, enterprise, and the great interests of mankind will not be trifled with or retarded by the theories of a bygone era. Those who are too prejudiced or too stubborn to yield must clear the track, or be crushed by the car of progress. The adoption of a liberal and magnanimous policy on the part of Con-

gress toward the remote States and Territories is calculated to cherish and foster the innate love of our people for our Government and institutions. No recipients of such generous favors are likely to regard them as an inducement to secession or "disintegration," especially when the disturbing causes which have led to our present difficulties have no existence with them. This is true of the States and Territories upon the Pacific. It is true that a branch mint was one of the institutions conferred upon the southern States by the liberality of Congress, and was located at New Orleans. That blessing, like any other conferred upon that region, was perverted and abused in the mad career of a people determined to make slavery general and freedom local; but there is not a particle of evidence that it furnished any more inducemeut to the consummation of secession and rebellion than any other of the thousands of blessings that the southern people derived from their connection with the Union. This folly had its origin in other causes, prominent among which was the absurd claim that State sovereignty was paramount to national authority. The seeds of secession and rebellion, with all their concomitant curses and crimes, had been sown broadcast by prominent southern statesmen for a period of more than thirty years, under the fascinating designation of State's rights, and were assiduously cultivated by pretenders who claimed to be the embodiment of all that was chivalrous.

Mr. President, in order to refute the visionary theories of what I regard as an insane man, I have thus been led to repel mere assertions which would not be of the slightest consequence, were it not, unfortunately, for the official position which by accident he happens to occupy. I regret exceedingly that circumstances beyond my control have compelled me to waste so much ammunition upon such very small game.

It may possibly be urged, sir, that with a parent mint at Philadelphia, and a branch mint at San Francisco, no more mining facilities are required, and that gold will seek the locality where it can be coined the cheapest. I dispose of all such arguments by stating that during the last fiscal year the branch mint at San Francisco, by being worked to its utmost capacity, was only able to coin gold to the amount of $17,510,963, while only $3,340,931.74 reached and was coined at Mr. Pollock's old curiosity shop in Philadelphia. It should also be borne in mind that at Philadelphia the Government charge for "*parting*," as it is technically called, was only *five cents per ounce*, while at San Francisco it was *fourteen cents per ounce*. This data proves conclusively that gold seeks the nearest mint for coinage, and that the extra charge of nine cents per ounce for "parting" bears no sort of proportion to the expense and delays of transporting gold to the parent mint at Philadelphia. When, besides, it is taken into consideration that the Government levies and collects a tax upon all money coined at their establishments equal to the expense of coinage, I am unable to perceive how she can lose in a pecuniary point by the adoption of a measure which provides for reimbursing her for all her outlay. Surely the amount asked for by

the bill is a paltry sum. You expend without a murmur a larger sum every month in what is called "decorating the subterranean passages" of this building with gaudy daubs, intended, as I suppose, to represent mountains, cascades, beasts, birds, and persons, which never existed except in the distempered brain of the artist engaged in producing them.

The wealth, the population, and political power of this Republic are progressing westward with as much certainty and resistless power as causes the light and heat of the morning sun to flow in the same direction. You can neither ignore the fact nor retard its consummation, but you may for a brief period embarrass it by a refusal to comply with the just demands of our people, for the same national benefits conferred by the common Government upon older and more favored portions of the country.

With a firm consciousness of the justice and propriety of my amendment, I invoke the aid of Senators to procure its adoption.

RY
IVERSITY
OF
CALIFORNIA

S. Brannan

SAMUEL BRANNAN.

By William Y. Wells.

Few names among the prominent pioneers of California have been more intimately associated with the history of the State than that of Mr. Brannan. A review of many of the principal enterprises for internal or metropolitan improvement during the last twenty years, would reveal him as their zealous advocate and master mind, either as the originator or the active promoter; and it may be truly said of him that he has not been surpassed by any individual in the State in his encouragement of industrial progress.

Mr. Brannan was born in Saco, in the State of Maine, in 1819. He immigrated to Lake County, Ohio, in 1833, where he entered upon an apprenticeship to letter-press printing. Before the term of his indenture was completed, he bought up, in 1836, the remainder of his time, and although a mere youth, entered into the great land speculations at an era when the whole country was seized with the mania of making fortunes without the worrying need of time, trouble, or capital. A year later he turned again to the press, and traveled the country as a journeyman printer. In the course of the five following years he visited most of the States of the Union. In 1842, he established and published in New York a weekly newspaper, styled the *New York Messenger*.

As early as 1846 he formed a company of pioneers to settle upon the distant and then unknown shores of Cali-

fornia, and the ship *Brooklyn*, in which, with two hundred and thirty immigrants, he sailed from New York, arrived at San Francisco in July of the same year. When Mr. Brannan first landed in California he was about twenty-six years of age. He at once became a leading and influential member of the isolated little community, and soon after his arrival he erected the machinery of two flour mills, in a locality answering to what is now Clay street. These were the first introduced into the country. He also, in January, 1847, projected and published a weekly newspaper, called the *California Star*, which was the first journal that appeared in San Francisco, and was the parent of the present *Alta California*. All this was before the discovery of gold, and when the early settlers little suspected that the progress and development of their new and distant home would be aided by any of the remarkable events that soon after made California a centre-point of attraction for the whole world.

In the fall of 1847, Mr. Brannan opened a store at Sutter's Fort, under the name of C. C. Smith & Co. This was the first establishment of the kind formed in the Sacramento Valley. In the spring of 1848, he bought out Mr. Smith, who shortly afterwards returned to the Atlantic States possessed of a handsome fortune. Mr. Brannan continued the business during the heat of the gold excitement, and there laid the foundation of his present great wealth. In 1849, he returned to San Francisco, where he had preserved a residence and citizenship, and, under the firm of Osborn & Brannan, conducted an extensive business for nearly a year in Chinese merchandise. In the noted affair of "the Hounds," about midsummer of that year, he took a leading part, and was active in extirpating that band of desperadoes from the city. In August following, he was elected a member of the first regular Town Council; and in 1851 was chosen President of the famous "Vigilance Committee." About the end of 1851, Mr. Brannan visited the Sandwich Islands, where he bought extensive properties in farming land, and real estate in Honolulu. In 1853, he was elected a State Senator of California.

It is impossible in our narrow limits even to allude to the numberless public affairs in which this gentleman has been engaged. The cause of education always found in him an ardent supporter. He was one of the founders of the first school in San Francisco, and contributed liberally to the edifice. Many of the most elegant structures in the city were built by him, and there is scarcely an institution of public usefulness that has not experienced the benefits of his impulsive generosity. Libraries; institutes; lectures for charitable purposes; churches; Sunday schools; works of art; literary societies; military companies; hospitals; poor artists, authors, and editors; needy inventors, and suffering humanity generally, of whatever religion or nationality, have had cause gratefully to remember his liberality. Not only associations of public beneficence have found a friend in Mr. Brannan, but he has been a pioneer in, and a liberal encourager of, a curious variety of enterprises, embracing some of the most useful branches of California industry. The importation, *via* Panama, of rare breeds of French and Spanish merino sheep, at a time when the success of such investment was problematical; the collection throughout France, Spain, and Italy, of choice varieties of grape cuttings, he having visited Europe in 1857 for that and other purposes; the reclaiming of tule-land along the San Joaquin river, thus setting the example to others; the raising of blood stock, and the improvement of his extensive farming lands in various parts of the State, have divided his attention with the management of his real estate in San Francisco. The Pacific Railroad, Overland Telegraph, Express Companies, banking and insurance and loan associations—enterprises connected with and forming the very essence of the prosperity of California—all of these have found in Mr. Brannan one of their most ready and intelligent coöperators.

In 1868, he purchased the entire landed estates of Abel Stearns in Los Angeles county, embracing an area of about one hundred and seventy thousand acres, which resulted in the opening of those extensive tracts to settlement by small farmers, thus greatly stimulating the

industry of that portion of the State. In the silver mining regions of Eastern Nevada, Mr. Brannan's restless business talents have also been exerted, in the erection at Robinson District of saw mills, quartz mills, and smelting works, the building of toll roads, and development of one of the richest mineral districts in that State; together with the location of valuable tracts of timber and agricultural lands near Mineral City and in Steptoe Valley.

From among his numerous enterprises, we may particularize the instance of Napa Valley, where he is the proprietor of the Calistoga Hot Springs, and a valuable estate of three thousand acres surrounding them. Here, his all-pervading activity has created out of bare nature the principal watering place in California, not inaptly termed the "Saratoga of the Pacific Coast." This famous place of fashionable resort is too well known in California to require any extended description at our hands. Its climate, rivaling the most celebrated localities of Italy or the south of France, and the scenery, uniting the grandeur of the loftiest summits of the coast range with the pastoral features of the adjacent rich farming country, have made Calistoga the favorite resort of tourists and invalids from all parts of the country. This costly scene of comfort and healthful recreation Mr. Brannan has reared by his own unaided resources, and the effect of his far-reaching enterprise is felt in the impetus he has given to the prosperity of all that section of the State. The Napa Valley Railroad, connecting Calistoga with tide water at Vallejo, is especially due to his persistent energy.

We cannot close this imperfect sketch without recording the unwavering and outspoken loyalty of Mr. Brannan to the cause of the Union in the darkest periods of its trial by fire and sword. On the stump, in the press, among the people, his voice has been heard in emphatic denunciation of the rebellion, and his contributions in aid of the cause he espoused were unstinted in fitting out officers for the war, in printing and disseminating loyal documents, and in every way strengthening the

hands of the Government. In the second Lincoln campaign, Mr. Brannan was chosen as one of the Presidential Electors from California. During that memorable contest he canvassed the northern part of the State, and aided materially in carrying the Union ticket. His generous sympathies were not confined to his native land. The cause of freedom in Mexico, menaced by the French intervention, received his substantial aid. In 1866, he armed and equipped at his own expense a company to join President Juarez, and these recruits, composed of hardy and experienced frontiersmen, rendered important services in expelling the foreign invaders.

Mr. Brannan is a signal example of the American self-made man. Starting in life a poor boy, thrown early on his own resources, and with few of the advantages possessed by the youth of the succeeding generation, he had the sagacity to foresee the mighty future of the Pacific coast, and the pluck and energy to avail himself of the circumstances of the times. As his influence in the community has thus far been beneficial to the welfare of California, so it is equally certain that it will continue to be exerted for the best interests of his adopted State.

PHILIP L. EDWARDS.

By Robert E. Draper.

Philip Legget Edwards was born in Breckenridge county, Kentucky, on the 14th of July, 1812; died the 1st of May, 1869; hence he was fifty-six years, nine months, and seventeen days old. His father and mother, Thomas Edwards and Jane Edwards, (whose maiden name was Jane Cunningham) were both natives of Virginia. At quite an early period they bade farewell to their native home, and marched westward to the then frontier State of Kentucky. Enterprise, coupled with adventure—the love of unrestrained freedom to enjoy the extended fields of nature ere they had been incumbered with a dense population—were leading characteristics of the Edwards family.

Virginia had, it is true, more of the comforts of life and promises of leisure than the wilderness west of the Alleghanies could offer; yet the father of Colonel Edwards stopped not to consider a life of ease in the land of his birthplace, but eagerly sought to lead the van of empire, whose path was westward. His move from the scenes of his childhood, instead of satisfying his desire to see new places and fasten his attachment for a particular locality, rather stimulated his inclination still farther west, for in 1824 he was again on the road of emigration, this time to the outposts of the white settlements in the State of Missouri.

He located at Old Franklin, in Howard county, on the Missouri river; afterwards moved to Ray county, in that State, where he resided until 1850, at which time he took up the line of march for California. He lived to be quite an old man; was resident of Nevada county several years, where, two or three years since, his career on earth was brought to a close.

Colonel P. L. Edwards, the subject of this sketch, (the title Colonel was acquired during the Mormon troubles in Missouri, 1841) commenced teaching school at the age of twenty-one, in the village of Richmond, Ray county, Missouri. That avocation, which of all others is best calculated to discipline the mind, to inculcate method both of thought and action, systematize reflection, and enable the inquiring mind to arrive at just conclusions, was entered by him just as youth had ripened into manhood. This is the most important point in the life of every man, for at this period the tender cares of the mother, the wise admonitions and counsel of the father, culminate and unmistakably direct him to assume responsibilities which he never before held, and lay out the course which he would follow through an active, living world.

With a full supply of common sense; naturally kind, eager to learn; faculties capable of receiving and inclination to acquire knowledge; he commenced the active duties of manhood in that praiseworthy calling of imparting information to the innocent youth; and doubtless he also commenced the cultivation of those traits of character which endeared him to his friends, and formed that frame-work of esteem and respect that elevated him, wherever he resided, far above suspicion, even of the most vicious. That honesty of purpose, love of truth, independent thought, earnest action, gratitude to friends, and leniency towards antagonists, which he taught the young under his tutelage, he also practiced himself. Next to that of character, his fondest theme for the study of the young was the understanding of words. This theory he strictly pursued in all his readings as well as his writings. No man systematically analyzed the subject

under consideration more completely than he. Its several branches he would unravel in detail, and unite the various collateral definitions as well as join the main line in one aggregated conclusion, and express the same in language sufficiently terse, perspicuous, and comprehensible to bring it within the scope of the simplest mind.

Frank, energetic, and industrious, he moved in any cause in which he engaged with a zest and ardor to succeed, not only to the understanding of the surface, but the cause, the wherefore, and the groundwork, as well as the superstructure. The glittering varnish on the outer lines of the work might please his eye, but the plan of the architecture, the base and foundation of the whole structure, were subjects of far greater importance to him. The experience of those who had gone before him, the theories of government, the life and character of statesmen, the mysteries of politics, the teachings of theology, the works of the poets, the facts of the historian, the tales of life and stories of romance, all received his attention; and although the taste he nurtured for reading while the bloom of youth was on his cheek may have become somewhat abated as age advanced, yet he continued the habit of much reading down to the day of his death. This, coupled with his abundance of kindness for all, and ill-will towards none, is the explanation of that remarkable faculty he had in making every one easy in and fond of his company. If the man of letters was present, he could readily draw upon the rich storehouse of information at his own command, and never fail to entertain as well as inform his hearer. The illiterate would feel easy in conversation with him, because in his pleasant and unassuming style, he would anticipate their deficiency, and supply it for them in such a friendly manner, they would fail to discover their own ignorance in their admiration of the Colonel's great good nature, manifested in understanding them, however awkwardly they expressed themselves. He was a man full of humor, indulged frequently in anecdotes, and highly enjoyed a good joke well told.

During the second year of his school, his health be-

came rather feeble. Just at this time, a party was organized, some of the members intending to trade with the Indians on the plains; others to perform missionary duties among them west of the Rocky Mountains; others again were seeking to inform themselves of the topography and resources of the wild, uninhabited "West." Of the traders, Captain N. J. Wyeth was the most prominent; Jason Lee had charge of the missionary division; Townsend, and Nutall, the distinguished naturalist, and Captain Steward, afterwards Lord Clyde, were seeking pleasure and information. The Colonel joined the party, mainly to improve his health, and at the same time to satisfy an inclination to explore the unfrequented plains and mountains of which at that time so little was known.

The party left Independence, Missouri, on the 25th of April, 1834. On the 15th of July following, they arrived at the point on Snake river since known as Fort Hall. Here Wyeth and his party of traders remained; the others continued their journey to Vancouver by the way of Walla Walla, arriving at the former place on the 15th of September of that year. The missionaries, after receiving their supplies, (which had been forwarded from Boston on the brig Mary Dacre) and being joined by those in the same cause who came on the brig, established their headquarters at Willamette Valley, about seventy-five miles above the mouth of the Multnomah. Colonel Edwards remained with them. This fact likely gave rise to the impression which has since appeared in public print, that he was a member of the mission. He was at that time a member of the Methodist Church, and may have joined his efforts with those around him in disseminating the truths of the Bible among the red men of the Pacific coast, but he was not officially connected with the mission. In September, 1835, Daniel Lee, nephew of Jason Lee, and Colonel Edwards, left the mission for Vancouver; the former seeking to restore his health, and the latter contemplating a return to the United States on the brig Mary Dacre.

The change from the mission to Vancouver seemed not to have the desired effect upon Mr. Lee's health, for

instead of improving, he grew worse; hence his friends deemed it advisable and did send him to the Sandwich Islands. Colonel Edwards in the meantime changed his intention of returning by sea, and went back to the mission. In October of that year, he established a school at Campment du Sable, or Champoeg, which he continued till the next spring. Other missionaries had arrived from the States, which, by the spring of 1836, increased their numbers to quite a settlement, sufficiently so as to make it necessary to look after the means of support and to provide against contingencies. Colonel Edwards again visited Vancouver, and soon after joined with others in the enterprise to obtain cattle and horses from California to supply the pressing wants of the fast increasing population of the Willamette Valley—Douglass, Governor of British Columbia, being one of the interested parties in the venture. Captain W. A. Slocum, of the United States Navy, very kindly offered the interested parties free passage to San Francisco. Colonel Edwards and Ewing Young were appointed to take charge of the expedition. They arrived in San Francisco the 1st of July, 1836.

What a change! A few huts here and there, standing on the margin of the bay, not of sufficient importance to deserve the name of village when first he saw the place, had grown to a populous and wealthy city when last he visited it in 1869.

The party delayed no time in purchasing and gathering together a band of cattle and horses, and started across the country for the settlement of the missionaries. The Indians frequently annoyed them, and on several occasions seemed determined not only to take their property but also their lives. They succeeded in stealing part of their band; yet, through the perseverance and undaunted courage of the managers of the expedition, near 1,200 head were taken through, which were distributed among the settlers, and laid the foundation for a rapid accumulation of the comforts of life and future wealth.

In March, 1837, the Colonel, in company with the Rev. Jason Lee and two Indian boys, whom they had

educated in the English language, took their leave of the mission and started across the plains for Missouri. After undergoing the hardships incidental to such a trip, they finally arrived safely at the Colonel's home in the summer of that year.

Of course, after an absence of four years, the rejoining with relatives and friends necessarily demanded many conversations relative to his travels and experience during that period, which left but little opportunity for him to consider his future course. However, his active mind was ill at ease while idle, and no considerable time was lost in arriving at some conclusion. He settled upon the study of law, and placed himself under the instruction of Amos Reese, of Richmond, in that State. Like every thing else with which he dealt, he commenced the reading of law with a determination to fathom its mysteries and understand its complications. After close application for more than two years, he was admitted to the bar in 1840. He began the practice of law at Richmond, before a strong bar, meeting antagonists learned in the law and experienced in the practice. Carrying with him native urbanity, cultivated fine taste, penetrative intellect, an unflinching will for the right, and no countenance for the wrong, he soon acquired a high standing among his fellow-members of the bar. Unlike many lawyers who regard their calling no higher than ingeniously combined manœuvres to defraud innocent parties, and all the while hunting up the tricks to victimize some one, he looked upon his profession as one of the most responsible known among men: the leading objects of which are, as he regarded it, to allay broils between neighbors, adjust unavoidable disputes between parties upon the broad and honorable premises of equity, and to deal out even-handed justice between man and man.

As a practitioner, he was at all times fair with his adversary, scorning to take any advantage of technicalities, preferring to meet the issue boldly and rely upon the merits of the case. As an advocate, he was zealous, energetic, and persevering for the interest of his client. His cases were always well prepared; his argument to the

Court, whether oral or written, invariably presented his theory of the case in that concise language too plain for any to mistake his meaning. His appeals to the jury were animated and full of pathos; strongly persuasive to the side of his client. As a counselor, none were more careful, always preferring a thorough investigation of the law in contemplated application of the facts in the matter, before giving his opinion. Of course, like all lawyers, he had at times very doubtful cases, but under no circumstances would he advise a client to commence litigation, if he considered the facts of doubtful application and insufficient to sustain the case: he would frankly tell him so, and counsel him against the danger of commencing in the law on precarious grounds; for, said he, even a good cause of action is attended with annoyance, trouble, and cost, and a bad one with still more annoyance, beside indefinite outlays of money.

In August, 1840, soon after being admitted to the bar, he married Miss Mary V. Allen, and entered upon the duties and responsibilities of a husband, which he never relinquished or neglected. His conduct in business matters and his social demeanor never failed to attract the admiration of those with whom he came in contact, and his domestic relations may well be pointed to as a perfect model of that union of love and affection equaled by few, surpassed by none. The pledges of good faith and confidence made to each other while yet they were young, lost none of their binding force as age increased, but rather grew stronger and deeper-seated in love and affection for each other.

In 1843, he was elected to represent Ray county in the lower branch of the Legislature by the Whig party, to which he adhered from his majority. His force of character, together with his admitted ability, attracted attention, and he was selected as the Chairman of the Judiciary Committee, which is the most important position in any Legislature. He filled the place with dignity and marked ability. At that time, politics was not the dirty pool it has since become. The two great parties of the country were honorable in their actions among them-

selves, as well as towards each other. Both parties had leaders upon whom the members doted, and were eager to do them honor. Henry Clay, the great leader of the Whig party, had his admirers and friends, among whom none were stronger in their attachment than Colonel Edwards. The writer has often heard him speak of Clay, and he would admit that Mr. Clay, as a matter of course, had some faults; "but," he would say, "Clay had the great, good man in him." Without "the good," he always insisted, "no man was great."

The Whig Convention of 1844 selected him as delegate to the National Convention to be holden in Baltimore, which nominated Clay for the Presidency. He was Chairman of the Missouri delegation, and availed himself of the opportunity to express his admiration of the only candidate before that convention, as well as to predict the result of the ensuing campaign, which seemed apparent to all the friends of their chieftain, unquestionably in favor of Harry of the West. In this, however, he, like his comrades, fell short of the realization, for notwithstanding the flattering prospects of success when the canvass opened, their *beau ideal* of a man and statesman failed to be sustained by the people.

It will be remembered that just at that time Morse had about completed the first telegraph line ever made, which was between Baltimore and Washington City, and the nomination of Clay and Frelinghuysen was among the first dispatches sent over the line to Washington. Telegraphing at that time was regarded as among the wonders of the age, and the nomination of Mr. Clay was looked upon by his friends as an epoch in American history which ought to be commemorated; therefore his more ardent admirers seized upon duplicated telegrams of his nomination as appropriate mementoes of the Convention that had done the noble work. The Colonel, visiting Washington after the adjournment of the Convention, procured a duplicate of the telegram referred to, as well as other samples which were in telegraphic characters as then used in the art, and had them for many years afterwards, if not up to the time of his death. After seeing the

places of interest in the capital city—listening to the discussion had in the United States Senate upon the tariff and other prominent subjects then agitating the country—he returned to Missouri, and entered the canvass between Clay and Polk, which soon became intensely exciting. As did his brother Whigs generally, he fought gallantly for the chivalric leader of the "American system;" but the tide of opinion was against them, and all their hopes of placing the country under his administration fell prostrate under a defeat of their idolized statesman. Though beaten and defeated, he never yielded his good opinion and attachment for Mr. Clay, but insisted that he ought to have been President. The canvass over, he took a trip to Texas, with an intention, should some locality suit him, to move his family and permanently settle there. Seeing San Antonio, Galveston, and other prominent places of business, he returned pleased with the country; but the inducements were not sufficient to justify a change of residence, therefore he entered again upon the practice of his profession in Richmond, where he continued till 1850.

The gold mines of California by this time had become known, and were famous for their rich and unprecedented yield. Thousands were flocking to her shores to take a chance at fortune's wheel in this fabulously rich land of gold. The stories of sudden wealth acquired by many who came to California, may have had some influence upon the subject of this sketch; yet they certainly were not the leading cause of his immigrating hither, for he came prepared and evidently intended to make California his home. He brought his family along with him, arriving in Sacramento in September, 1850, where his home continued through all the ups and downs of the city, until he was called to render that final account which must sooner or later occur with all that live. The wild excitement of the mines, the big strikes and rich diggings, did not lead him to engage in what he regarded the pursuit of fickle fortune within their precarious precincts. His attention was directed to his profession, and he soon

established a reputation as a first-class lawyer in his new home.

In 1852, the Whigs made their last big fight for the Presidency, General Winfield Scott being the candidate. Colonel Edwards was selected by that party as a candidate to Congress. He made the canvass of the State, and from his energetic manner, and bold and argumentative speeches made from the stump, he was denominated the "war horse" of the Whig party. As before, his party failed. The failure on this occasion, however, he never seemed to regret so much as he did that of Mr. Clay.

In 1854, Colonel Edwards was elected by the Whig party as a Representative of Sacramento county. The Legislature met January, 1855. Attention was soon directed to him for the Speakership, but he declined the position, and accepted the appointment by Speaker Stow as Chairman of the Judiciary Committee, a position for which he was well qualified, and which he filled ably and creditably to himself, as well as to those who elected him. This session was the one in which the memorable struggle occurred between Broderick and Gwin for a seat in the United States Senate. In joint caucus of their party, Gwin received the nomination, but Broderick's friends bolted, and both of them came before the Joint Convention of the two houses. Col. Edwards was nominated by his own party in opposition to both of the Democratic candidates. He needed a few votes of an election at the beginning of the contest, but the parties were well drilled, and those few were not obtained. However, the required number could have been had, for the proposition was made, on the condition that the Colonel would pledge the appointment of several parties to Federal positions in California. His friends received the proposal, and consulted with him concerning it. He indignantly scorned the idea of permitting his hands to be tied by any one, or bartering for a position which should be untrammeled, and particularly screened from the machinations of that class of men who, like cormorants, hang upon the skirts of all political parties, seeking no higher distinction than to be

the recipients of the spoils. What a contrast between his opinion as to what should be a candidate's position, and what really is their course now!

The joint convention of the two houses convened from day to day, when it was well understood no choice could be made. The Colonel would not vote for himself, and not being disposed to vote for the opposite candidate, would cast his vote for any one he happened to think of at the time his name was called. At one time some fellow-member suggested the name of a party, and the Colonel cast his vote for him. He afterwards learned that he had voted for Mr. Broderick's servant, and some of the members regarded it as a good joke. "Well," he remarked, "I am not certain but he would do about as well as any of us."

The Whig party to which he belonged and to whose doctrines he had unwaveringly adhered, just at this time went into dissolution, and other and different isms sprang up. He never afterwards had any strong attachment for either of the political parties that were claiming the suffrage of the people. The Know-Nothing, or American, party being in opposition to the Democratic party, he favored the former on the ground of continuing his opposition to the latter, which he had been fighting all his life, yet he condemned all secret political associations.

As a partisan, he was so on the broad ground of principle, and not capable of resorting to the narrowly contracted view too often entertained and practiced by those who, in deciding a proposition, first inquire how much, or the number of dollars they can make out of it. "After," he would remark, "the chivalric and noble Whig party died," he had to choose between his life-long foe and the new isms of the day. This, however, he did not do until after the Presidential fight in 1856, at which time he strongly advocated the claims of Millard Fillmore. Political parties then divided principally on propositions of a sectional character, and from that time he voted and acted with the Democratic party. Except the speech he delivered in the Democratic Convention in 1861, his political addresses were impromptu, and always to the point at

issue—strongly persuasive to the cause he espoused. On that occasion, he was careful lest he should be misrepresented by the reporters of the press, and wrote out his speech on the issues involved and the condition of affairs, before delivering it.

In his public as well as his private life, all had full opportunity to understand his position. Scorning deceit, condemning vanity, abhorring egotism, frank and sincere, with a religious faith not hampered by the sectarian limits of favorite dogmas, but broad and extended as the pleasing fields of charity, love, and truth. The old, the little children, the young man, as well as the damsel just blushing into womanhood, were fond of enjoying his society. He never spoke ill of any one, nor did ever charity appeal to him in vain. His desire to assist others doubtless injured him in a pecuniary point of view, but it demonstrated the good impulses of nature which marked his course through life.

HUGH CAMPBELL MURRAY.

BY THE EDITOR.

All Californians will find interest in a simple sketch, however prosaic, of the life of one who came to the shores of the Pacific in early manhood, friendless and penniless; who, after a very brief residence, impressed his fellow men with a high sense of his worth and splendid abilities; who became a leader in the early political movements in California; who was a Judge of the Supreme Court at the age of twenty-six years; who became Chief Justice of that tribunal at the age of twenty-eight; and who died, not "full of years" but "full of honors," in the service of the State.

HUGH CAMPBELL MURRAY was born at St. Louis, Missouri, on the 22d day of April, 1825. He was of Scotch ancestry. While he was yet in his infancy his parents removed to Alton, Illinois. At Alton, Hugh passed his boyhood days, where he received his education and grew up to manhood. Upon leaving school he resolved to embrace the study of law, and, with that view, entered the office of Hon. N. D. Strong. He had not commenced the practice of law, when the Mexican War broke out. Mr. Murray joined the army and received the appointment of Lieutenant in the Fourteenth Regiment of Infantry. He served during the war in Gen. Scott's line, and, upon the conclusion of peace, returned to Illinois. The Editor has been unable to obtain any incidents in his military career, and cannot say with what distinction, if any, he served in Mexico; but his disposition was ardent and adventurous, and he doubtless entered with spirit and enthusiasm into that short conflict.

Before he had commenced the prosecution of his profession, his attention was again diverted. Upon the discovery of gold in California, he was among the first to leave Illinois for the far West. He came to California by way of Panama. The voyage severely tried his patience and endurance: not being able to secure a through ticket, he was detained some time on the Isthmus; at length he embarked at Panama on the ship *Two Friends*, for San Francisco. This vessel was very old and very slow. Mr. Murray spent six months in coming from Panama to San Francisco, and would have been even longer on the way had he not left the vessel at Cape St. Lucas. In company with some of his companions he walked the entire distance from the point last named to the place of his destination—several hundred miles. Upon this journey the little party of indomitable pioneers suffered incredible hardships and privations. At last, in September, 1849, they arrived at San Francisco. Mr Murray at once commenced the practice of law. He soon formed a large circle of friends, and was distinguished for his social and convivial qualities. He was not long in obtaining a lucrative practice. When the Superior Court of the city of San Francisco was organized by the first Legislature of the State in 1850, Hugh C. Murray and J. Caleb Smith were elected Associate Justices, Judge Morse having been appointed to preside. Judge Murray discharged the functions of his office in a manner that convinced the bar and the people of his capacity and fidelity.

In 1854, upon the resignation of Judge Bennett, Mr. Murray was appointed by Governor McDougal as one of the Associate Justices of the Supreme Court. Judge Murray was then only twenty-six years of age. It is safe to predict that many years will elapse before the Supreme bench of this or any other State will be occupied by a man as young as was Judge Murray at that time. Upon the expiration of his term of office, in 1853, our subject was nominated by the Democracy for Supreme Judge, and was elected by the people. Shortly after his election, he became, upon the resignation of Judge Lyons, Chief Justice of the Court.

The term for which he was elected having expired in 1855, Judge Murray became a candidate for reëlection. The Native American, or Know-Nothing, party had just perfected its organization in California. Judge Murray, with many of the brightest intellects of the State, embraced the principles of the new party. The first State Convention of that party met at Sacramento, in the summer of 1855. It was a very enthusiastic body and largely attended. Judge Murray received the nomination for Supreme Judge for the long term—six years. After a desperate contest, in which every appliance was brought to defeat him, he was again elected by a small majority. He continued to be the presiding justice of the Court up to the time of his death. In the summer of 1853 he made a visit to Illinois, and spent a few months with his mother. With that exception, ever since his appointment in 1851 until he succumbed to disease in 1857, he devoted all the energies of his great mind to the proper discharge of his official duties.

Judge Murray died of consumption, at his residence in Sacramento, on September 18th, 1857. For a long while before his death he had suffered much, and often occupied his seat on the bench when his health did not justify it. He was confined to his room for about ten days in his last sickness. By the force of will he bore up against the working of his disease until the evening previous to his death, when the consciousness of his situation was first fully manifested to him, and he calmly resigned all hope of life. From that hour he sank rapidly, and at a quarter past twelve o'clock the next day, expired. A post mortem examination showed the cause of death to be the perforation of the left lung by the ravages of disease. A violent fit of coughing, with which he was first attacked, caused a rupture of the tegument and the opening referred to. The following extract is taken from the obituary notice of Judge Murray which appeared in the *Sacramento Union* the day after his death.

"As a man, Judge Murray has always been noted for his extremely positive character. No one in the State possessed more warm and devotedly attached friends,

and probably no one more bitter enemies. He sought no disguise of his preferences or dislikes, nor did he strive to conceal the faults of his nature. He was consequently subjected to severe criticism—as much so as perhaps any man who has occupied so exalted a position. The violence of assault had, on the other hand, the effect of drawing his friends to him more closely, and we doubt not the tears shed at his grave will flow directly from the very depths of the heart.

"As a jurist, Judge Murray occupied an unequivocal position. No one—not even his most bitter enemy—has ever questioned his capacity. He had a peculiarly legal mind, sufficient to grasp all the points of a case with wonderful scope. His legal knowledge seemed to have been almost intuitive. From chaos he drew forth order, and resolved the most intricate propositions into clear and concise form. His decisions were always terse and pungent, free from circumlocution and directly to the point. The last judicial act of his life—the decision in the case of *Welch* vs. *Sullivan*—was his most elaborate one, and serves better than any commentary to display the strong, positive character of the Judge and the man."

At the time of his death, the only surviving relatives of Judge Murray, were his mother and brother, who resided at Alton, Illinois. His mother is represented to have been a lady of strong intellect and estimable character.

More than twelve years have elapsed since Judge Murray's body was committed to the earth. A noble fraternity of professional men, constantly augmenting in numbers, continues to study with unflagging interest his learned expositions of law. His fame is established as an honest man, a great lawyer, and an upright judge. Those who bear his name may smile at the harmless shafts with which his enemies, in their bitterness, dared to assail even his honor. The record of his life will bear the closest scrutiny, and will lead the candid foe to confess, that he was UNCORRUPTED and INCORRUPTIBLE.

PROCEEDINGS OF THE SUPREME COURT, HAD UPON THE DEATH OF CHIEF JUSTICE MURRAY. SACRAMENTO, CALIFORNIA, OCTOBER 5TH, 1857. PRESENT—DAVID S. TERRY, C. J., AND PETER H. BURNETT, J.

On the opening of the Court, W. T. Wallace, Esq., Attorney General of the State, arose and said :

May it please your Honors :—

Since your last adjournment, it has pleased an all-wise Providence to remove from our midst the Hon. Hugh C. Murray, the late Chief Justice of the Supreme Court of California. Arriving upon our shores a youth, unknown and unheralded, unaided by any of the fortuitous circumstances which sometimes lend success to men, he commenced his high career ; but he was not even then unnoticed. One who heard his first effort here as a lawyer, has often in other years related to me the deep interest which his eloquence threw around the first cause which he argued upon these shores. After his arrival in this State, Judge Murray did not long remain at the bar. It was early discovered that he was fitted for a loftier position. He was first elected one of the Judges of the Superior Court of the city of San Francisco. In that position his great abilities as a jurist were so signally displayed, that in accordance with the general wish of the bar, at the earliest opportunity which offered, he was transferred to the bench of the Supreme Court, in which position, having been twice elected by the people of the State, he continued until death put a period to his usefulness. He was gifted by nature with an intellect capable of grasping the mightiest subjects ; he had a mind which passed with ease through the meshes in which ingenuity or sophistry had interwoven a cause to the controlling point ; and he was possessed of an analysis under the magic operation of which the most intricate legal problems were solved as if by intuition. At the early age of thirty-two years, it is not to be denied that his position was in the front rank of the jurists of our country. In view of so much accomplished while he was yet in the morning of life, who could tell what he might have effected for his country, and himself, when years and experience had fully matured his great powers? But he is gone ! Glassy and dim now is the eye that we have seen here so often lit up with the flash of genius and intelligence. That generous and kind heart is stilled forever. That noble form, which we have so long seen presiding over the judicial destinies of a great State, has passed away, and of the loved and honored and gifted departed, nothing is left but the bright page in the judicial history of the State which his genius adorned, and the memory of the man, most fondly cherished by those who knew him best. He had no negatives in his nature. He never

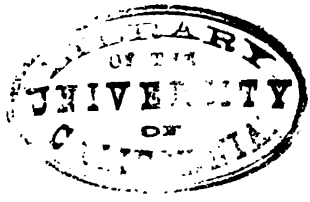
shunned responsibility, and never turned aside in his pathway to avoid consequences; and, like all men of such strongly marked and positive character, he had bitter enemies and devoted friends. But friends and generous foes alike, gathering around his early tomb, pronounce his untimely death the greatest calamity that has yet befallen the fortunes of our young commonwealth.

I move, your Honors, that the resolutions of the Sacramento Bar, which I have the honor now to read and present, may be entered upon the minutes of the Court; and that this Court do now adjourn, as a mark of respect to the memory of the lamented deceased.

In response to the motion of the Attorney General, Chief Justice Terry said:—

The death of the Hon. Hugh C. Murray, who for five years past has occupied, with distinguished ability, the position of Chief Justice of this Court, has filled us with unfeigned regret.

Called early in life to an important position in the Judiciary of a new State, he was eminently fitted for the discharge of the onerous and responsible duties of the post. His quick perception, sound judgment, and vigorous intellect, enabled him to master with ease the most difficult questions; and the possession of great moral courage prevented his being swayed or influenced, in the conscientious discharge of his official duties, by any considerations of policy or regard for personal popularity. He has left his mark in the history of our young State, whose judicial reports, bearing the impress of his genius, will remain a lasting monument to his memory. As a judge, he was just, impartial, and fearless. As a man, he was remarkable for the possession of social qualities which won, in a peculiar degree, upon the confidence and affection of his associates. He was frank, candid, and ingenuous, almost to a fault; generous to prodigality, and firm and faithful in his friendship. We deplore his early death, as an irreparable loss to the State; and, cordially approving the resolutions you have just read, order that the proceedings of to-day be entered on the minutes of the Court, and as a mark of respect for the memory of our late distinguished brother, order that the Court stand adjourned until Monday next.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HENRY M. GRAY.

By William Y. Wells.

The name of Dr. Gray, surrounded by endearing recollections, has for twenty years been cherished as a household word in San Francisco, where, in the relationship of friend and benefactor, his good deeds are enshrined in unnumbered hearts. He was born in New York, in 1821. His father, the Rev. William Gray, a Scotch Presbyterian clergyman, removed to Seneca Falls, N. Y., soon after the birth of this son, who passed his boyhood there. He was graduated in 1842 at Geneva Medical College, having previously studied at Almyra with Dr. Boynton, his private preceptor. He went thence to New York, commenced the practice of his profession, and was soon known for the brightness and thoroughness of his intellectual acquirements, rendered the more effective by a pleasing frankness of manner which drew about him the best influences. As Visiting Physician at the New York Dispensary, in Centre Street, he gave a certain number of hours daily to gratuitous practice among the poor, and by some of them his assiduous attentions are still gratefully acknowledged.

With an assured and enviable social position, and the certainty of speedy eminence as a physician, his love of adventure could not resist the excitement of the California gold discovery; and closing his office in New York, he organized a party of ten congenial spirits—college mates, friends and associates—who purchased the bark *Hope*, and sailed in July, 1849, for California, he acting as

surgeon of the expedition, Touching at Rio de Janiero, they reached their destination in the following December. Some of the party, including Dr. Gray, visited the mining regions, but returned to San Francisco after a few months, where he immediately commenced the practice of medicine, to which he thenceforth devoted himself.

Almost as soon as political organization began to assume shape on the Pacific coast, Dr. Gray identified himself with the Whig party in San Francisco, but never to an extent that could interfere with his professional pursuits. He had brought with him from his native State the traditions associated with the great names of the Whig party, and to that faith he adhered as long as the party maintained an existence. He was a member of the Whig State Central, and of the Whig General Committee, having been Secretary of the former and Chairman of the latter. His popularity bringing him prominently before the Nominating Committee as a candidate for Mayor in 1852, he lacked four votes of the nomination, which was awarded to Mr. Brenham, who, in the ensuing campaign was elected over his Democratic competitor. About the same time, Dr. Gray was chosen to deliver the oration at the American theatre, before the assembled Masonic lodges of San Francisco, on the occasion of the centennial of Washington's initiation into the Order. Of this no other record remains than a few meagre paragraphs in the newspapers, by which it appears that the address was a shining testimonial of the eloquence and culture of the orator, who, with that disregard for the applause of the public, which, unfortunately, too often distinguishes genius, modestly withheld the manuscript from publication. It impressed itself upon the audience by its accomplished scholarship and the unstudied gracefulness of the delivery. His addresses before the Grand and other Masonic Lodges were of the same finished type, but were not regarded by their author as of sufficient merit to deserve perpetuation in print. On the anniversary of St. John the Baptist, June 25th, 1860, he delivered the oration at the laying of the corner-stone of the Masonic Temple in San Francisco. His notes he was induced to write out for

publication only at the earnest request of his brother Masons, who claimed the production as the property of the Order. This is the sole address by Dr. Gray that has been preserved, and is hereto appended as a fair specimen of his polished and fervid eloquence.

His practice, which at first had been limited, grew to be the most considerable of any in San Francisco, and so lucrative that in a few years he had made a large fortune despite his proverbial remissness in making collections, his own expensive habits, and his liberal contributions to the many charities that appealed to him for aid. Wherever the voice of pain and anguish was heard, there the good Doctor was foremost with his cheerful presence, tender sympathies, and kindly ministrations. As in earlier days in New York he had ever been ready to assuage the sufferings of the poor and wretched, so in the home of his adoption he distinguished himself by the extent of his gratuitous practice. With him it was no theoretical abstraction, but he daily carried into practical illustration the Scriptural and Masonic teachings which raise charity to the first of the cardinal virtues. Until his last day he was a Surgeon of the Fire Department, and at any time some of its members were to be seen in his ante-room awaiting attendance, for which he desired no other reward than the consciousness of doing good to his fellow man. He was long a member of the "San Francisco Association for Medical Enquiry"—a body of physicians, who, in a quiet way, did more to alleviate distress in California than can ever be acknowledged or known beyond their own beneficent circle. Hundreds of poor creatures of either sex who came to him for treatment, he prescribed for without fee or reward, but sending them away with the means of buying not only the necessaries, but the luxuries so grateful to the sick, and beyond the reach of many a longing patient. In kind offices he was omnipresent. On board ocean steamships he found his way into the crowded steerage to attend the helpless and afflicted, and on his visit to the Yosemite, in 1861, he went far out of his route to prescribe for a wounded hunter lying in his cabin among the lonely fastnesses of the Sierras. Carrying his good

deeds beyond the term of his existence, shortly before his death, he charged a professional friend with the care of the health of poor and worthy persons who had long received gratuitous practice at his hands. He made a point of inquiring into the circumstances of needy-looking people—especially women and children—seeking medical advice; and how many have gone down the familiar wooden steps at the corner of Dupont and Clay streets, leading from his office, with blessings on their lips for the cheery words and more substantial tokens of his kindness, no tongue can ever tell, nor pen record.

He entertained at one time a worthy ambition for political preferment. These aspirations originated not in a sordid craving for the emoluments of office, nor the dazzling allurements of popularity; but in the consciousness of fitness for position—an innate sense of intellectual power such as could draw towards it the best elements for efficient government. In the fall of 1853, he was nominated for Mayor by the Whigs, and shared in the final defeat sustained by that party throughout California, from candidate for Governor, down. It was the last Whig campaign. From that time he renounced politics except during the civil war, when he was a pronounced Unionist, aiding the cause by speech, money and example, and holding an official position on the staff of General Allen until the close of his life. Failing in the election for Mayor, he thereafter gave all his energies to science; and however much the city may have lost in him as a ruler, it is beyond question that the community was largely the gainer in the exclusive possession of his great professional usefulness. His father, who was still officiating as a clergyman in New York, visited him in San Francisco in 1856, and died there in October the same year, at the age of seventy.

Dr. Gray never left California except for a brief visit to New York late in 1859, where, during the ensuing winter, he suffered intensely from pneumonia, and by the advice of his medical friends, returned speedily as a means of preserving his life. His recovery was regarded as extremely doubtful—and sharing in these doubts him-

self, he characteristically ordered his coffin, which was lined with lead, and had preparations made for embalming in case his decease should occur before reaching California: such was his repugnance to the idea of being buried at sea. His health was improved, however, by the voyage. He was President of the Society of California Pioneers in 1861–2, before whom, in 1856, he had delivered the annual address. This alone, among numerous similar orations by others, has not been preserved, neither in pamphlet form nor in the columns of the press. He spoke for upwards of an hour from a few notes which he had arranged only the night before, and which, with his usual carelessness where his own fame was concerned, he failed to prepare for publication. It is remembered as a deeply interesting discourse, rich in historical allusions, clothed in the most captivating forms of eloquence, and picturing the past and future of California with a wealth of classical imagery and glowing beauty of diction.

It was in the theory and practice of his profession that his mind and heart were especially engaged. He was indefatigable in studies rendered necessary by the advancement of the medical and its associate sciences. Endowed with peculiar graces of mind and person, his manner in the sick room showed consciousness of his own ability, and at the bed-side his presence inspired a confidence almost marvelous. Not seldom has his genial manner and kindness of voice arrested the course of disease by a magnetic power eminently his own. Master of his own feelings and mighty in his sympathies, how often has he buoyed up the sinking heart of agonized parent, child, and sorrowing friend. In times of danger he showed a courage and fearless use of means sometimes called heroic in practice. Nature seemed to have designed him for the work of a physician. He investigated disease almost intuitively, arriving very quickly at conclusions; though where there was the least doubt in his mind, or obscurity in the symptoms, he was careful, patient and untiring, seldom giving an opinion that was not verified by the progress of the case. After recognizing disease he was never at a loss for remedies, and had a happy faculty

of making combinations to suit each individual case, never combining without being able to give a most satisfactory reason therefor. His health was such as to forbid constant application to professional duties for a year previous to his death. He was industrious however, and applied himself assiduously until October, 1862, when he found it necessary to resign the more arduous portion of his practice. Thenceforward until his death he alternately worked and rested, frequently going into the country for a brief relaxation, and returning, recommenced work with a determination far beyond his powers, until again forced to retreat. He visited San Luis Obispo and San Rafael during 1863, always working hard while at home, despite the remonstrances of his numerous friends. It seemed impossible for him to remain in the city without being engaged in active practice. His devotion to his friends was, if possible, more than reciprocated; which a single instance will illustrate, though only an example of very many similar attachments between his patients and himself. He returned, broken in health, to attend an invalid lady in a case of emergency, whom he had watched from childhood through severe illness and much suffering. Although worn down and enduring great pain himself, he was with her almost constantly for a week, when death terminated her sufferings. He was overwhelmed with grief, and never afterwards recovered himself, following his patient in about a fortnight. Three days before death he had attended a number of patients, and was out in the street thirty-six hours prior to his decease. He died on the morning of September 24th, 1863. For eight hours previous to dissolution he was speechless, but conscious of all that was passing around him. He had often expressed a desire to die holding a Mason by the hand. In his last moments he grasped the hand of a friend present, motioning him to a seat, when he seemed content, and so breathed his last.

The announcement that Dr. Gray was dead, though it did not take his friends by surprise, fell like a pall upon many a sorrowing household. Every one who had known him seemed to take the event especially to heart,

as at the loss of a near and intimate friend. Associations and public bodies met and passed appropriate resolutions. The wealthy and the poor alike were mourners—those for the genial companion, these for the generous benefactor—all for the skillful, sympathizing physician, who had carried hope, life, courage and healing into despairing hearts and homes. He died a bachelor, and upon the Society of California Pioneers devolved the sad duty of receiving the body at their hall, where it lay in state the night preceding the funeral. Quiet footsteps came continually through the watches of that night—rustling silks and the coarse habiliments of poverty mingling, as one after another lingered a moment and passed on—the suppressed emotions of the refined and self-possessed not less eloquent than more audible and uncontrolled grief. The casket, piled high with ever-increasing floral offerings, could at last hold no more, and the floor around was strewn with them. The services at the funeral, in which Civic orders and societies and Military organizations vied with each other to do honor to the occasion, were memorable and deeply impressive. The remains, with those of his father, were sent to New York, where they rest in Greenwood Cemetery, side by side.

We have endeavored thus briefly to depict Dr. Gray as the scientist, the physician, and the member of society. In conversation as in oratory he was singularly felicitous. His voice possessed that modulated musical quality rarely found except in superior organizations, and which with him, whether in every-day intercourse among his friends, in an after-dinner speech, or in the more formal parlance of an organized assemblage, had the same fascinating influence, enhanced by the charm of an unaffected courtliness of manner that made his presence eagerly sought in reunions of cultivated men and women. His personal appearance was as strikingly handsome as his manners were distinguished. He was a connoisseur in music, books, and works of art, which he was always selecting as gifts for his patients. He had a genuine appreciation of the grandeur and beauty of nature, and the correctness of an anatomist in the choice of fine horses,

of which he was particularly fond. His tastes combining the attributes of manliness and intellectual culture, were those of the highly educated gentleman. His nearest associates recall him as one of the finest types of man, in his physical as well as mental qualifications. To have enjoyed his intimacy may be regarded as one of those legacies to which the mind, perhaps wearied with the world's selfishness, instinctively turns when glancing back into the near past for bright examples and pleasant memories.

Oration,

DELIVERED AT THE ANNIVERSARY OF ST. JOHN THE BAPTIST, AT THE LAYING OF THE CORNER-STONE OF THE MASONIC TEMPLE, SAN FRANCISCO, JUNE 25TH, 1860, BY THE GRAND ORATOR FOR THE DAY—SIR HENRY M. GRAY.

BRETHREN:—Beneath the blue dome of this wide, unpillared firmament, and under the magnificent roof of a temple "not made with hands," we are met in joyful assemblage, upon a day sacred to the ancient memories of our Craft, to lay with appropriate and impressive ceremonies the foundation-stone of a Temple, henceforth and forever to be sacredly dedicated to the mysteries and work of Masonry.

In due form and manner the corn, wine, and oil, poured forth upon that stone, have symbolized the great end and object of Masonic life; the swell of joyous music with its exultant harmony has awakened in our breasts the responsive echo; the light in a thousand earnest eyes, and the quickened throb of a thousand loving hearts, have told how deeply this scene and this hour have impressed themselves upon our very souls; and finally, the invocation of the blessing of Almighty God, to direct and prosper this undertaking to its successful completion, has, while it humbly acknowledges our dependence upon His powerful aid, given us the trustful hope that His paternal blessing shall be vouchsafed to us.

Brethren, the work is done! In the deep foundations of this structure you have placed your memorial. For the first time on the western shores of this continent, you have set up the pillars of your faith in enduring stone. In the generations yet to come, who shall gaze with pride upon this noble pile, and who shall under its secure shelter prosecute the glorious mission which Masonry has entrusted to their keeping, your labor will not be forgotten. They will recall,

with proud and glowing retrospects, the memory of this day. They will pay due homage to the loyal faith, the loving interest, and the deathless attachment which you held to the great work of Masonry, and which prompted you, in the very infancy of our State, thus to lay broad and deep the imperishable foundations of a Temple, which, while it should be one of the most conspicuous adornments of our city, should also serve as a perpetual record of that faith which, in all ages and in all countries, has, in its "outward visible form," illustrated itself to the world in all the triumphs of architectural glory, as, in the manifestations of its inner life, it has been the pioneer in the vanguard of civilization, charity, peace, brotherly kindness, and good will to men. If ever the light burns dim upon our altars, or the hearts of the faithful fail them "because of fear"; if the doubter or the skeptic ask: "The Fathers, where are they?" then shall this Masonic Temple answer: "The same faith that animated their hearts still survives in their descendants. This goodly Tabernacle, which the ancient craftsmen builded, yet stands in its pristine strength and beauty, a heritage to be sacredly guarded and preserved by us and by those who shall come after us. So, evermore, shall the faithful remembrance of our brethren yet to be, preserve our memory green."

All creeds and faiths have their festal occasions. The State has its days of patriotic jubilee, the Church its seasons of rejoicing. On commemorative days, due homage is paid to all who, in every rank and in every good work, have adorned the age they illustrated. Thus religion, art, science, heroism, virtue, wherever their votaries have ennobled life by grand achievements, have claimed the ready homage of the world. They who have died on the bloody fields of battle for the liberties of their country, where thousands in the joyous rush of death go down—they who in the fires of martyrdom have yielded up their lives a sacrifice to principle—they who in toilsome solitude have worked out the great problems of science, and given language and interpretation to the mute voices of nature—they who with strong hands and pure ambitions have guided the evolving destinies of nations—they who, as the apostles of divinest charity, have devoted life, substance, influence, all to the amelioration of human wrong or suffering, are alike canonized in the world's great heart, and compel the homage of the world's wide sympathy.

This is *our* festal day, my brethren; to us, a day of joy in a twofold sense. This happy hour is witness of a ceremony of no small import to the future of Masonry in this State and on this coast. We have come up together, with one accord, to aid in the laying of the corner-stone of the first Masonic Temple erected within the limits of our national confederation, on the westward slopes of the dividing mountains. For a brief space we have forsaken our usual avocations; and from fields of waving grain, from work-shops of daily toil, from the quiet retreats of scientific pursuits, from the busy marts of commerce, from the sacred chancels of religion, we have come with "one heart, and one mind," to swell the pomp of this festive hour. Hallowed by our prayers and benedictions, we have placed the token

of our affection to Masonry in the keeping of our mountain granite. Our loves, our hopes, our aspirations, we place beside those memorials : as soon may the one perish as the others. Not until the solid rock shall melt in the consuming fires of the final conflagration, shall die out in our hearts the noble teachings of our Order. Not even when the elements themselves shall yield to the inevitable laws of decay and dissolution, shall the pure, eternal, imperishable principles upon which our faith is based, perish or be lost.

There is no eternity to matter. The adamantine walls of earth themselves must crumble into dust: and no work of man's hand can withstand the silent tooth of time. The mighty monuments of the forgotten past reveal themselves to us only in dim traditions or in almost undistinguishable fragments, puzzling the lore of the antiquarian and baffling the light of science. They leave us like the mariners on the wrecking midnight sea, looking—and oh, how hopelessly—for the coming light. But principles cannot die. Truth is eternal. Justice, equality, fraternal love, charity, faith, hope, are all invulnerable, and immortal all. They are but the emanations of the eternal *good*—sparks from the eternal fire—drops from the ever-flowing river of immortal life. Like the deathless source from which they sprang, they also (albeit in clouded manifestation) must claim the high prerogative of immortality. So, brethren, with the inner life of Masonry. It cannot die. Its temples may totter to the dust, and its visible tokens be utterly lost, but IT will survive. Its spirit is the spirit of the "All-working Good"—its work is the practical embodiment of all-working benevolence—its mission on this earth is but the reflection and exemplification of that divinest of all virtues—Charity!

Aside from the event which has convened us together, we enjoy another source of congratulation. This is one of our "holy days," set apart and dedicated to the memory of the holy Saints John. Since the early primitive rule of our first Grand Master, King Solomon, with the passing away of the ancient dispensation—with all its glorious symbols, types, and shadows—with all its rigid enforcement of the law as a penalty for disobedience—with all the magnificent surroundings which environed the ancient Masonry, and the rites and ceremonies of the early Temple worship—with all the forms and restrictions and subordinations, working in their iron channels—the lapse of ages and the changing conditions of society brought an epoch in which milder laws and more tolerant systems were demanded by the necessities of the time. The early morning glow upon the eastern hill-tops announced the coming of a brighter day; the softer airs that swept westward from the ancient home of the stern wide-browed prophets and patriarchs, foretold the coming of a more genial summer; the dove, with the olive branch of peace, was flying o'er the stormy water in search of a resting-place for her weary feet; and then, when among the crumbling fragments of the earlier civilizations Masonry could find no permanent abiding place, she swept down the cloudy and perturbed centuries, until she rested under the shadow of the new dispensation of peace.

The earth had been convulsed for a thousand years; thrones, dynasties and empires were passing through all the mutations of social and political existence; yet amid all this turbulent torrent of change in our world, the precious Ark of our Covenant floated safely down, until it rested securely upon the Ararat of perpetual repose.

Then lived in Holy Land two holy men—two Johns. The one, the Baptist; the other, the Evangelist; men of extraordinary yet diverse characters, but both the living embodiments of the highest lessons of Masonic wisdom. The one, the impersonation of temperance, courage, self-sacrifice and heroic suffering for conscience' sake; the other, the type of gentleness, meekness, sympathy, charity, brotherly kindness, and holy love. These men, so exalted above their fellows, so set aside and stamped with the mark of divine nobility, were eminently fitted to succeed the august King of Israel as the patrons and exemplars of our Order. Hence they, not alone and not chiefly as the forerunners and disciples of a new ecclesiastical dispensation, but from the singular purity of their lives, their devotion to the fundamental tenets of Masonic faith, and their sacrifice of all earthly good for the cause that engrossed their whole being, have been for two thousand years the loved and venerated high priests of our Masonic faith. He of whom we speak to-day died a martyr's death. He perished in vindication of the teachings of his life. He fell an heroic sacrifice to the principles upon which our Order rests.

We speak of martyrdoms, and they are glorious. We speak of heroisms, and they are glorious. How they stand out in the past, like landmarks in the life-gloom, these martyrs for the good!—these heroes for the right! Some have sunk on the battle-field; some have watered the scaffold with their blood; others have perished in the agonies of fire. These have been of one race and language; those of another. This endured all things for one faith; that for another: but all, whatever their nation, or sect, or lineage, were alike the warriors of humanity, and perished that mankind might be free. The great and good of all eras form one great brotherhood. Thank God, for having thus linked distant ages together by the ties of a common sympathy. The great souls scattered along the highway of history are bound one to the other by an electric chain; and thus the influence of heroic deeds thrills from century to century down the long avenue of Time.

This day, my brethren, is held in sacred commemoration of St. John the Baptist, throughout the whole Masonic world. Every aspiration and prayer that arises to-day from your own full hearts, is met in the silent and illimitable fields of air by a million aspirations in every land and clime, from hearts as full and deep as yours.

All along the cloudy pathway of time, our Craft have left their ever-enduring land-marks. While yet an operative organization, spreading from land to land, in Lodges of Labor, they have erected their mighty monuments, which, to this day, are the wonder and

the glory of the world. The order and system which marked the building of the first temple, followed them in the latter ages; and although in the erection of the vast creations of Masonic skill, the busy sounds of labor were heard on every hand, as the grand arches and pinnacles and towers rose from their solid foundations to the heavens, yet the same beautiful plan of work by which the magnificent structure of the King of Israel

"Rose like an exhalation, with the sound
Of dulcet symphonies, and voices sweet,"

governed the Craft in the building of those colossal triumphs of architectural genius, which shall forever demand the admiration and worship of the human intellect.

Passing from this brief review of our subject, let us for a moment consider our institution in its adaptation to the wants of humanity; its fitness as the almoner of the holiest charity; its laws and precepts as the embodiment, not only of the purest morality, but presenting likewise a frame of government fitted for all conditions of life, for all races of people, and for all states of society. It sprang into existence far back in the distant ages, over whose history rests the pall of everlasting silence; it gleamed out of that darkness as the light of history began to irradiate the gloom only in dim and fabulous traditions; it took organic shape and practical development in the earliest days of the ancient Kings of Israel; and its culminating point was reached in that perfect system of work and government which presided over the erection of that miraculous structure—that marble poem of consummate genius whose lovely beauty, shining from the sacred mountain, gleamed to the remotest horizon like a star.

Thus it has come down to us from the earliest times. Through all the changes of empires, and amid all the revolutions of governments, it has preserved its existence. The altar now stands where it stood in the days of the first Masters; and the enkindled fires and the emblematic lights still shed their beams to illuminate the surrounding darkness. It has outlived the Temple which its ancient Craftsmen builded; but the same laws that held it in harmonious union then, alike preserve its unity and integrity now. The forms of architectural beauty and design may have gone down in the dust of the vanished ages, but the soul and spirit of the design, order and beauty, yet lingers in our Craft and hallows all its work.

From Praxitelean shapes, whose marble smiles

"Fill the hushed air with everlasting love;"

from towers and arches, moldering among their mocking ivy; from the solemn cloisters of many an old cathedral; from the dim aisles of grand old woods, whose mighty trees are evermore repeating

"Their old poetic legends to the winds;"

from the stupendous caves with all their sparry grots; and from the rock-invested gorges of the mountains, whose beetling walls might serve as the bastions of a world, where the sublime Architect of the

Universe has in the play of His omnipotence set those copies for human genius to imitate; from each and all, the lesson falls with a deep significance on the Mason's heart. Architecture, its first great operative application, compelled the recognition of the laws of unity and order. From the study and contemplation of the principles upon which the harmony of the material universe depended, the transition was natural and easy to the recognition and adoption of those laws governing the life, conduct, character, and actions, upon which alone, as upon a corner stone, could be erected the moral and spiritual Temple of Masonry.

Neither the time nor the occasion demand from me an exposition of the tenets and principles of the Craft. I may, however, be allowed for a brief moment to allude to some of the excellencies of our Order.

And first, its sublime equality. Its first principle is the recognition of the humanity of the man, and the acknowledgment of the fraternal ties that bind all men together. Within its sacred enclosure there can be no rank or caste. The royal ruler of a mighty realm; the mitred prelate; the soldier, bearing upon his body the scars and trophies of a hundred fights; the philosopher, whose keen vision has explored all the intricacies of natural or political wisdom; the soul of science that hath sojourned among the stars or dived into the nethermost depths—are all alike, Brethren all—made so by the recognition of each individual humanity—and each an equal scholar in the school of virtue. "Love one another" is written upon the door-posts, and the word "Brother" embraces in its comprehensive dialect all ranks, from the Neophyte to the Supreme Master.

While prejudice alienates—while sect and nation, lineage and language, wealth and power, set up evermore the barriers which keep men asunder—while political distinctions and religious differences but deepen animosities and engender bitterness—Masonry presents a platform and a principle broad and firm enough for all the world to rest upon in peace.

In the grand Choral Hymn of the noble Schiller, I find these lines, which could only have sprung from a heart incandescent with Masonic heat:—

"Spark from the fire that gods have fed—
Love—thou Elysian child divine—
Fire-drunk, our airy footsteps tread,
Oh, Holy One, thy holy shrine.
Strong custom rends us from each other,
Thy magic all together brings,
And man in man but hails a brother,
Wherever rests thy gentle wings.
Embrace, ye millions, let this kiss,
Brothers, embrace the earth below,
Yon starry worlds, that shine on this,
One common Father know."

Masonry is, in short, the highest expresssion of the idea of Fraternity, and it is destined to be one of the most active agents in the accomplishment of that world-wide fraternization which so espec-

ially marks the tendencies of the present age, and whose progressive development will ultimately result in drawing to a nearer and more perfect union all the children of the earth. It offends no prejudice; it opposes no sect. It stands aloof from all the noisy clamors of the day. Its mission is in secret and in silence. It "does good and communicates," but the right hand knows not what the left hand doeth. It is the minister to want, the angel of consolation to patient suffering, the handmaid of religion; for what religion teaches from lofty pulpits, it practically performs. Wherever there is want or sorrow, there is Masonry, the reliever; wherever is wrong or oppression, there is Masonry, the strong arm of support; wherever is death, or sickness, which is the shadow of death, there also is Masonry, to bind up the wound, to close the fixed and ghastly eye, and then, with reverent care, to commit the dead body to the silence and retirement of the grave.

How often have you, in this land of strange vicissitudes, been called upon to minister to such needs as these? The strong, bold-hearted adventurer, struggling amid discouragements and privations for his children's bread, is suddenly arrested by the palsying hand of disease. Poverty and want environ him. A stranger in a land of strangers, to whom shall he go for succor? The swift tides of life rush by him, and he is cast a stranded wreck upon the shore. In the desolation and agony of his heart, he lays down to die; no friend near *that* death couch—no ministering voice of consolation—no brother's hand to clasp the nerveless fingers—no upward-pointing angel of hope to guide the way to immortal life.

But stay, some one knows that poor man! *Some one* in all this bright world out of which *he* is passing into the unknown land, *must know that man!* Surely, he shall not die, and make no sign! Oh no! He has found friends. In almost the last agonized convulsions of his members, when his tongue could no longer syllable his thoughts, he *found* a brother—a brother in a higher sense than the claim which our common humanity in suffering or sore distress demands of every man—one, whose soul was knit to that vanishing soul in all the gentle ministrations of love and charity, by ties as strong, aye stronger, than those which knit the souls of Jonathan and David.

This picture, brethren, is a picture of practical Masonry. You have it framed in all your hearts; its colors cannot fade from your memories. In your own dark hours of desolation, the light from it will be a beacon pointing upward to Heaven!

And now, the hour for our departure has arrived. Henceforth, our paths diverge. From manifold pursuits in life, and from distant homes, moved by a common impulse, we have come up to worship near this sacred shrine, and to renew the vows of fealty to our common faith. I trust the hour has not been spent in vain, and that it has been good for us to have been together. In this interchange of kindly greeting, we have strengthened our fraternal ties, and in this common labor dedicated to our common cause, we have strengthened the hands of our Craft in every land.

As Masons of California, this hour is full of deep significance. You are the representatives of the world. From distant lands and climes, from every rank and station in life, from the most dissimilar conditions of physical and political existence, you have assembled on the western shore of our continent, a family of brethren bound together by a common interest and protected by the glorious Constitution of our common country. You are one, as citizens; and owing allegiance to a common law, you share alike in the glory and advancement of the State. In your Masonic relations you present the same anomaly. Of various tribes and nations, of parentages and educations the most diverse, with wide and high partition-walls separating you one from the other, you yet, here, to-day, meet upon common ground. We are all one—on earth, the great all-embracing, loving soul of Masonry claims us as her common children—and in the heaven above us, the One Eternal Father!

Before we go hence, let us review our work. Upon a solid foundation we have placed our memorial stone. It hides from mortal eyes (we hope for ages yet to come) in its safe and silent tomb, the records of this day. In all its appointments, and with all the glory of its architectural design, this temple shall rise to its lofty roof, a fitting and noble testimonial to the devotion of the Masonry of our State. But there must be *something*, brethren, underneath *that* stone, and underneath the foundation which supports it, deeper than all this, or the building will not stand. The master builder may perform his work never so well; the apprentices and craftsmen may labor in due subordination to the authority of the masters; the massive walls may rise in all their solid strength to heaven; the costly jewels of our work may adorn its various chambers; the fires may be lighted upon its inner altars; the entrance may be well and duly guarded; but all, all will be in vain, unless there is a deeper, surer, and more stable foundation than that on which our corner stone reposes. What is that nether stone? What is that upon which a *true* temple to Masonry must be built? Ah, brethren, it is the deep, underlying, imperishable foundation of Masonic love, and Masonic unity. With that beneath the material foundation, this Temple is indeed secure and indestructible. The foundations of the globe had need of no more permanent corner stone than that structure, under whose deep bases repose Truth, Charity, and Brotherly Love.

One prayer, one spontaneous aspiration, is a fitting conclusion to this hour: Oh Temple! planned with the cunning skill of laborious art, rise in all thy majesty and beauty toward the skies? May thy walls be strength, and all thy tabernacles peace! May the votaries who shall in the long march of centuries enter thy sacred porches, find evermore therein repose, refreshment, peace! May the light of thy sacred altars burn ever like a star! May the "stranger and the sojourner in the land" ever enjoy the blessings of thy welcome and thy shelter; and when the hour of thy decay and dissolution crumbles thee to earth, may there be found thousands of faithful and devoted hearts to raise thee from thy ashes with renewed splendor and more enduring life! "So mote it be."

TOD ROBINSON.

By the Editor.

The ancestors of this gentleman were, on his father's side, English, on his mother's, Scotch-Irish. They emigrated to North Carolina at so early a day that all tradition of the event is lost. His father was a merchant and planter in that State. At a time when it was a life office, he held the position of Clerk of the County Court for Anson County. In this county, Tod Robinson was born, A. D. 1812. When he was quite young, his father resigned his office and removed with his family to Alabama.

Tod Robinson came to California from Texas, by way of Panama, in September, 1850. He landed at San Francisco, but not tarrying there, pushed on up the Sacramento river to Sacramento city, then the liveliest and busiest mining camp in the State. Here he settled, and entered immediately on the practice of law. He very soon attained prominence and success. He had not been in the city a year when Judge Thomas resigned his position as District Judge of the Sixth Judicial District, embracing Sacramento county, and Gov. Burnett appointed Mr. Robinson to fill the vacancy. For this honorable and responsible position his extensive legal attainments and his incorruptible integrity eminently fitted him. During the short period of his occupancy of this office, Judge Robinson won the undivided esteem of the bar and the undisguised reverence of the people of his district. In

the list of able jurists who have graced the bench of the Sixth Judicial District, Judge Robinson's name shines with unfading lustre. He had occupied the position only a few months, when, in October, 1851, the Whig party, to the principles of which he was devotedly attached, unsolicited, nominated him as their candidate for Supreme Judge; whereupon he resigned his place on the District bench, and accepted the nomination for the higher office. The Whig party being in a minority, he was defeated. The election over, and having aided so materially in preserving the organization of his party, at the expense of his own personal advancement and comfort, Judge Robinson resumed practice in Sacramento. He formed a partnership with Murray Morrison, since Judge of the Seventeenth Judicial District, which continued for two years. In 1853, Judge Robinson was again nominated by his party for the Supreme Bench. Anticipating defeat, he yet obeyed with alacrity the call of his party to carry the banner of Whiggery in the final charge upon a triumphant foe. The result was as expected—the utter overthrow of the proud and gallant party to whose fortunes he had clung so steadfastly, and in whose last struggles he had been so conspicuous. Judge Robinson again returned to the profession in Sacramento. Soon after the general election in 1853, he entered into partnership with H. O. Beatty, lately Chief Justice of the Supreme Court of Nevada, and James B. Haggin, an old and wealthy citizen of Sacramento and San Francisco, now residing in Paris. This partnership lasted two or three years, when Mr. Haggin withdrew, and his place in the firm was filled by Hon. C. T. Botts, afterwards Judge of the Sixth Judicial District. Judge Botts being appointed to the bench, Mr. Heacock, subsequently State Senator from Sacramento, entered the firm. Judge Robinson's connection with Judge Beatty continued till the year 1862.

Judge Robinson confined himself exclusively to his profession for several years, during which time he built up an extensive and lucrative business. During this important period in the history of Sacramento, his fidelity

to his profession and his able management of the heavy litigation he was called upon to conduct, spread his fame as a lawyer throughout California.

In 1862, he accepted the Democratic nomination for Attorney General. In 1863, he was nominated by the same party for Supreme Judge, upon the reorganization of the Supreme Court. On both occasions he was defeated with the rest of his ticket.

He had now resided in Sacramento for thirteen years. The practice of law being almost dead in that place, which the great flood of 1860–61 had almost depopulated, he removed to Virginia City, Nevada, where he resided eighteen months. While residing in that State, he was nominated by the Democratic State Convention for Clerk of the Supreme Court. He could easily have been nominated for the higher place of Supreme Judge, but his friends determined to give him the nomination for the first-named position, because of the great emoluments attached to it. However, his party being defeated, the hopes of his friends were not realized.

Early in the year 1865, Judge Robinson returned to California, and settled with his family in San Francisco, where he has since resided. He still continues to act as counsellor at law, but his health being very feeble, he is seldom in his office and rarely seen in court.

Judge Robinson ranks high as an impressive and eloquent speaker. He is a cogent, logical reasoner, a racy debater, and can hurl the shaft of irony with cutting effect. His clear and mellow utterances, his earnest manner, his dignified, polished diction, often reaching solemnity in its calm and graceful flow, render him at all times an agreeable and pleasing speaker. He is quite fond of poetry, and a close student of Shakspeare. In addressing public audiences he is decidedly happy in his quotations from the immortal bard of nature. He is devoted to his large family, in whose society he passes nearly all of his time. His private life is without a blemish.

Judge Robinson has nearly passed the meridian of his usefulness. His voice will probably never again thrill the listening crowd, nor his form be seen rising to con-

front the expectant jury. He has not been exempt from the ordinary lot of mortals. His life has been eventful and his career checkered. Disappointments have visited and trials perplexed him. Time has laid his hand heavily upon him. Disease has racked and enfeebled his frame. He expects soon to be called upon to "resign this pleasing, anxious being." But his heart is still young—nor time, nor disappointment, nor disaster can ever subdue his free spirit or "chill his mental glow." His independent nature, and his devotion to a principle, command the respect of his political opponents. He has always dared to pursue the course his sense of right suggested, regardless of the clamors of the fickle multitude. He could not be flattered by the breath of popular applause nor be made to submit to the demands of the mob—"that many-headed, monster thing." The injunction of his own favorite poet has been to him an ever present guide and comforter.

> "This above all! To thine own self be true!
> And it must follow, as the night the day,
> Thou canst not then be false to any man."

The EDITOR trusts that he has not passed beyond the limit of a faithful biographical sketch in the above expressions. He could not have said less, in humble acknowledgment of past kindness on the part of his subject, in the bosom of whose family he found shelter, in boyhood, from a multitude of woes which had nearly crushed his spirit.

The following terse language applies to Judge Robinson with as much force and propriety as to Dr. Akenside:

"He is exclusive in his social taste, but with a high standard of integrity; more proud than vain, and more fastidious than companionable. Intimately known to but few, he is respected by all as a gentleman and a scholar. His formal address might impress a stranger with the idea of accomplished pedantry; but once fairly engaged in conversation with a genial and appreciative auditor, the philosopher and the man of cultivated taste and elevated sentiment appears conspicuous."

UNIVERSITY OF CALIFORNIA

Isaac I. Stevens

ISAAC INGALLS STEVENS.

BY THE EDITOR.*

GENERAL STEVENS was born at Andover, Massachusetts, in 1817. Of his ancestry and early boyhood, the EDITOR has not been able to procure any information. He entered as a cadet the United States Military Academy at West Point, July 1st, 1835, and graduated there July 1st, 1839, ranking first in a class of thirty-one members: Gen. Halleck standing No. 3, Gen. E. O. C. Ord, No. 17, and Gen. E. R. S. Canby, No. 30. He was immediately promoted in the army to second Lieutenant, Corps of Engineers. From that time until 1841, he was engaged as Assistant Engineer in the building of Fort Adams, Newport harbor, Rhode Island. On July 1st, 1840, he was promoted to First Lieutenant, Corps of Engineers, and was engaged upon the repairs of Fairhaven Battery, New Bedford harbor, Massachusetts, 1841–42, and of the defences of Portsmouth harbor, New Hampshire, 1842–46. During the greater part of this latter period, he served also as Superintending Engineer in building Fort Knox, at the Narrows of Penobscot river, Maine.

During the Mexican war he made for himself a brilliant record. When that struggle commenced he was attached to Gen. Scott's staff. He was engaged as Adjutant of Engineers in the siege of Vera Cruz, March 9th, 1847; and was conspicuous for his boldness and fearless bearing at the reconnoissance of the Peñon, August 12th–13th; of San Antonio, August 18th; at the battle of Con-

* For explanatory note, see Preface.

treras, August 19th; the battle of Cherubusco, August 20th; at the battle of Molino del Rey, September 8th; reconnoissance of the southern approaches to the city of Mexico, September 9th–13th; battle of Chapultepec, September 13th, and at the assault and capture of the city of Mexico, September 13th–14th. At the attack upon the Mexican Capital he was in Gen. Worth's division, and was severely wounded in the San Cosme suburb.

"For gallant and meritorious conduct" in the battles of Contreras and Cherubusco, Mexico, he was brevetted Captain in the regular army, August 20th, 1849, and on September 13th, for like conduct at the battle of Chapultepec, was brevetted Major.

In 1848, Major Stevens was engaged as Superintending Engineer in building Fort Knox, Maine; of repairs of Portsmouth fortifications, New Hampshire; of the improvements of the Savannah river, Georgia; and of building Forts Pulaski and Jackson, in the latter State.

From September 14th, 1849, to March, 1853, he was principal assistant to Professor Bache, of the Coast Survey, and had charge of the Coast Survey Office at Washington, D. C. In the early part of the latter year he was a member of the Commission for devising plans for the improvement of the James and Appomattox rivers, Virginia, and of Cape Fear river, North Carolina.

On March 16th, 1853, Major Stevens resigned his position in the army, to enter the civil service of his country. President Pierce, who had just been inaugurated, was his warm personal and political friend, and two weeks after he assumed his high office, he appointed Major Stevens Governor and Commissioner for Indian Affairs of Washington Territory: at the same time he was placed in charge of the survey of the northern route for the Pacific Railroad, and, the appointment being confirmed by the Senate, he departed for Washington Territory, where he entered upon, and continued to discharge, his duties as Governor and Commissioner throughout President Pierce's term of office.

In May, 1856, a serious dispute occurred between Gov. Stevens and Edward Lander, Chief Justice of the Terri-

tory, and brother of the late Gen. Lander. The Governor declared the Territory under martial law, and, on May 7th, 1856, caused Judge Lander to be arrested in his court-room. The EDITOR has not been able to obtain the history of this conflict, although he has written and applied personally to several old citizens of California, Oregon and Washington; but it is probably safe to assume that the conduct of Governor Stevens was unjustifiable or, to say the least, hasty, inasmuch as it was disapproved, upon investigation, by the authorities at Washington.

During Mr. Buchanan's administration, 1857–1861, Gov. Stevens was a delegate to the United States House of Representatives, from Washington Territory.

Gov. Stevens was author of "Campaigns of the Rio Grande and Mexico," (8vo., New York, 1851)—being a review of Ripley's History of the Mexican War; also of a Report of Explorations made by him in 1853–54, while Governor of Washington Territory, for a "Route for a Pacific Railroad near the 47th and 49th parallels of north latitude, from St. Paul, Minnesota, to Puget Sound," published by order of Congress in 1855.

When the great breach occurred in the Democratic ranks in 1860, Gov. Stevens became one of the most earnest leaders of the Breckinridge wing of the party, and was President of the Breckinridge National Executive Committee. He acquiesced in the election of Mr. Lincoln, and before the latter was inaugurated, strongly urged upon Mr. Buchanan the propriety of dismissing Secretaries Floyd and Thompson from his Cabinet. At the time of the fall of Fort Sumter he was on the Pacific coast, and as soon as he heard that hostilities were commenced, he hastened to Washington, and was appointed Colonel of the 79th New York, (Highlanders) July 31st, 1861. From that time until October 21st, 1861, Col. Stevens served in the defenses of Washington. He was commissioned Brigadier-General of Volunteers, September 28th, 1861, and had command of a brigade in the Port Royal Expeditionary Corps from October 21st, 1861, to March 31st, 1862. He had command of the land forces which attacked the enemy at Port Royal Ferry, and captured and

destroyed their batteries on Coosaw river, South Carolina. He led the principal column in the unsuccessful assault on the enemy's position near Secessionville, June 16th, 1862. From March 31st, to July 12th, 1862, Gen. Stevens was in the Department of the South, having command of a brigade and subsequently of a division; being engaged in the demonstrations and actions on Stono river, June 3d–10th.

On July 4th, 1862, Gen. Stevens was commissioned a Major-General of Volunteers, and served in the Northern Virginia Campaign; being engaged in various skirmishes on the Rappahannock during the early part of August; at the battle of Manassas, August 29th–30th; and at the battle of Chantilly, where, "while leading his division in a charge, he was killed, September 1st, 1862, aged forty-four years."

Gen. Stevens was not a statesman, although a man of varied talents, and ambitious of civil honors. His fame must rest upon his military achievements. His life, though not long, was active and crowded with events. Stout hearted, high-spirited, brave and resolute, he was admirably adapted to the profession of arms. Whenever the flag of his country waved above "the red baptism of the battlefield," his arm was prompt to strike, and his free and martial spirit followed where duty called. In early manhood and in middle age, within his country's borders and in a foreign land, he displayed on many memorable instances, the noblest qualities of the soldier and hero. It was the wish of Stevens that, when death sheathed his sword, his name would be enrolled upon the shining list of American Generals: and the aspiration has been fully realized.

JUAN BAUTISTA ALVARADO.

GOVERNOR JUAN BAUTISTA ALVARADO was born in the city of Monterey, the then capital of Alta California, on the 14th day of February, A. D. 1809. His father was General Don Francisco Alvarado, chief adviser and Adjutant General of the Spanish commander and Governor Don José Joaquin de Arrillaga, then Governor of Lower and Alta California; and his grandfather was the renowned General Limon, who conquered the States of Sonora, Sinaloa, and Lower California, and who made himself so famous on account of the great interest he manifested towards the progress and advancement of the newly acquired Territories—which fact is marked in the history of Spain.

General Don Francisco Alvarado, father of Juan Bautista, was married in the year 1808 to Señorita Josefa Vallejo, daughter of General Ignacio Vallejo and sister of General Mariano G. Vallejo. Don Juan Bautista Alvarado was the only issue of that marriage. His father having died when he was only ten days old, and having left no property, he was compelled to struggle for himself. He early, however, found a friend in the person of Don Pablo Vicente de Sola, then Governor of California. Young Alvarado was sent to school, and received private lessons and instructions from Governor Sola himself in his private residence, the Governor having taken great interest and pains to promote the education and welfare of his protegé, young Alvarado, who, when but twelve years old, had shown considerable natural abilities and

rare intellect for one so tender in years. When he had attained his eighteenth year, he had already acquired that notoriety and prominence which is so characteristic in a new country, and ranked among the ablest and foremost of that period.

Before attaining his nineteenth year, he was elected by the people's vote to the Secretaryship of the Territorial Legislature. Subsequently, the Legislature conferred upon him the appointment of treasurer and custodian of the public funds of the Territory, with full power and authority to invest the same as he might judge best for the benefit of the country.

In the year 1826, the Mexican Government appointed him chief officer of the Commissary Departments of Sonora, Sinaloa, and California. In 1833, and when but twenty-four years of age, he was appointed to the position of Collector of the Custom-house at Monterey.

In the year 1836, Governor Alvarado was President of the Departmental Assembly, which body had declared California to be a free, sovereign, and independent State, under the Constitution of 1824, overthrowing Nicolas Gutierrez, then Governor under Mexico, and creating thereby a vacancy in the gubernatorial chair. Governor Alvarado being then President of the Departmental Assembly, became by the constitution Governor of California *ad interim*, was confirmed as such by the Supreme Government, and subsequently, as will be seen, by the President of the Republic of Mexico. The Constitution of Mexico provided that the people of each and every Territory represented by the Departmental Assembly should recommend three citizens, one of whom should be selected and receive the appointment by the President of the Republic of Mexico for Governor of his respective Territory. The Territory of Alta California, in pursuance of said provision, recommended for Governor three of its most distinguished and prominent citizens, namely: General Mariano Guadalupe Vallejo, General José Antonio Carrillo, and Don Juan Bautista Alvarado. His Excellency Don Anastasio Bustamente, then President of the Republic of Mexico, selected of the three names

thus presented to him for the highly important position of Constitutional Governor of Alta California, Don Juan Bautista Alvarado.

In the year 1842, the native Californians showed symptoms of discontent and dissatisfaction with the administration of the then President of Mexico, General Santa Anna; who, having by force of arms overthrown the constitutional President of Mexico, Anastasio Bustamente, attempted the overthrow of the republican form of government and the establishment of a monarchy. Governor Alvarado was among the first and foremost in repudiating and denouncing the illegal course adopted by Santa Anna; and assisted by his uncle, General Mariano G. Vallejo, and his personal friend, General José Castro, initiated revolutionary steps, raising the cry of war against Santa Anna and his monarchical coädjutors, seeking at all hazards to maintain and uphold the republican form of government in California.

Santa Anna, upon being apprised of this movement, headed by such influential men as Alvarado, Vallejo, and Castro, and anticipating serious results, sent post haste his confidential and personal friend, General Manuel Micheltorena, with sufficient forces to California, in order to overthrow and defeat the leaders of such movement, and to proclaim Santa Anna Dictator of Mexico. The Californians, laboring under the impression that Micheltorena, impelled by motives of friendship towards them, had accepted the mission, permitted him to assume the reins of government, and he was Governor of California during two years. All this while, Micheltorena kept concealed from the knowledge of the Californians the true and sole object of his mission.

The Californians, immediately upon discovering the secret plots concocted by Santa Anna and Micheltorena, armed themselves; and, led by Governor Alvarado, General Vallejo, and General Castro, overthrew and completely routed Micheltorena, who was compelled to flee back to Mexico for safety.

In the year 1845, Don Pio Pico was appointed Constitutional Governor of California. In 1845, Governor

Pico conferred upon Governor Alvarado the appointment of Collector of the Custom House at Monterey, which appointment Governor Alvarado only accepted at the urgent solicitation of Governor Pico and other prominent citizens and friends, and for the second time held that office only during a short time.

A general election took place about this time in California for the purpose of electing delegates to form a convention to select a representative to the Mexican Congress. Gov. Juan B. Alvarado was the choice of the people, and was elected representative to the Mexican Congress from California by an overwhelming majority.

Gov. Alvarado being about to depart for Mexico to take his seat in Congress, war was declared between the United States and the Republic of Mexico, and he was prevented from proceeding thither in consequence of all the Mexican ports having been blockaded by the United States war vessels.

Matters having been satisfactorily arranged between the two governments, and the United States troops having landed and taken possession of California, a consultation took place between Gov. Pico, General Castro, and Gov. Alvarado, as to the course to be pursued at that critical moment. The two former, after mature deliberation, concluded to leave the country, and left for Mexico; while Gov. Alvarado decided to remain friendly towards the United States, in his native home. He was placed under parole, and removed quietly, and without participating in any movement against the United States, to his present home, San Pablo.

General Kearney, the Commander in Chief of the armies of the United States in California, seeing and appreciating the faithfulness with which Gov. Alvarado, notwithstanding the frequent invitations to levy war against the United States, kept his parole, offered and tendered to him a prominent and influential position under the Government of the United States. Governor Alvarado, however, declined the honor, assigning as a reason for his refusal, that he was a paroled officer, and could not honorably, and while owing allegiance to the

Mexican government, accept an office at the hands of the United States government; at the same time highly appreciating and thankfully acknowledging the honor.

Governor Alvarado's six years of administration as Governor of California gave unbounded satisfaction to the Californians. A man of generous and extremely liberal disposition, courteous and affable, always prompt and ready to render assistance to the needful, always acting with an honesty and purity of purpose, perhaps none of his predecessors ever possessed the hearts of his people in so great a measure as he. He was universally esteemed and respected by all, natives and foreigners. Upwards of four hundred Mexican grants of land were issued in California by him, all of which have been more or less confirmed by the Government of the United States. As the head of administration in California, Governor Alvarado scattered among the people the commodities of justice, liberty, and prosperity.

The most remarkable traits in the character of Gov. Alvarado during his administration as Governor of Alta California were his utter disregard and great disinterestedness towards advancing and benefiting his pecuniary condition, and his exceedingly unostentatious disposition.

Since 1845, though repeatedly asked to accept public offices and trusts, he has positively declined every thing of the kind, preferring solitary and quiet retirement amid the rural shades of private life.

Governor Alvarado was married, in the year 1839, to Señorita Martina Castro, the daughter of a distinguished Californian, Colonel Don Francisco M. Castro. Nine children have been born to them: of these, three have since died, and six are living.

The Governor, although in the sixtieth year of his age, is hearty and robust, and would be taken for a man of forty-five years of age by those unacquainted with him. He resides at present with his family in his rural mansion, situated in the village of San Pablo, in Contra Costra county, where he has dwelt for upwards of twenty years.

THOMPSON CAMPBELL.

By Frank F. Taylor.

Illinois can claim the honor of having been more prolific of distinguished men during the last decade than any other State of the Union. Certainly, from no other State have as many men, conspicuous for signal ability and great talent, emigrated, and become the adopted sons of California.

Thompson Campbell was one of those whose fame was established in Illinois before California attracted the attention of the American people. This gentleman was born in Pennsylvania, in the year 1812. In that State he grew up to manhood, received a good education and studied law. Shortly after his admission to the bar, he removed to Galena, in Jo. Daviess County, Illinois, where, in a few years, he became famous for his oratorical powers, and where he acquired great distinction as a criminal lawyer. From 1838 to 1853 he practiced at a bar which numbered among its members many able men—Hon. E. B. Washburne, present Minister to France, Hon. Thos. Drummond, present U. S. Circuit Judge of Illinois, and others (who have since become noted in California) prominent among whom are Hons. J. P. Hoge, O. C. Pratt, and S. M. Wilson.

In 1840, Mr. Campbell was appointed by Gov. Ford of Illinois, Secretary of State, and acted in that capacity for one term. In 1846, he was elected a delegate to the convention called to amend the Constitution of his State. He took a leading part in the deliberations of that body. In 1850, he was elected a member of the National House of

Representatives, to succeed Hon. E. D. Baker. At the expiration of his term, in the spring of 1853, he was appointed by President Pierce U. S. Land Commissioner for the State of California, and immediately thereafter removed with his family to San Francisco. He did not long discharge the duties of this position, but resigned in order to practice his profession in the new and inviting field which San Francisco then presented.

He achieved marked success in the practice of law, and maintained the high reputation he had won in Illinois. He returned to the latter State in 1859, and resided in Chicago for about two years. He was warmly welcomed on his return to Illinois by numerous personal friends; and the Democracy, then about to divide into two hostile factions, watched his course with anxious interest. He was not long in deciding under which standard he would march, but espousing the cause of the weaker branch, threw the great weight of his name and influence against the "Little Giant."

In the campaign of 1860 he was one of the Breckinridge Presidential electors. Soon after the result of that contest was known, Mr. Campbell made a tour through Europe, after which he returned to San Francisco, and resumed legal practice. A man of his temperament and patriotism could not be silent while the war of the rebellion was raging. At the outbreak of that struggle he promptly and enthusiastically gave his support to the Union cause, and throughout its continuance he advocated, on every proper occasion, the principles of the Union party, and labored for their vindication with unabated zeal. Mr. Campbell had been a life-long Democrat; and suddenly to sever his connection with his party must have cost him much painful effort: but, possessed of a bold, comprehensive mind; of patriotic impulses, which made him disregard the ungenerous and sometimes severe criticisms of his old partisan friends, he was undaunted, and strode like a giant into the conflict with those who advocated the cause of disunion.

In 1863, he delivered a speech on the condition of public affairs, which was a meritorious and masterly effort,

and caused many hearty congratulations throughout the State, that the Union cause had in California so fearless, earnest, and eloquent a champion. So widely did his fame as an orator and a thinker extend, and so eagerly were his counsels sought, that in July, 1863, the proprietors of the Sacramento *Union* proposed to him that, if he would visit Sacramento and there deliver a speech on the state of the country, they would, at their own expense have it reported stenographically, and printed in full in the columns of their popular journal. This offer was accepted, and in the month named, Mr. Campbell made one of his ablest and most convincing speeches, in the Assembly chamber of the Capitol. Although he possessed the rare and happy faculty of readily extemporizing as well, yet this particular effort was evidently the result of careful and thorough preparation. The gubernatorial canvass was then progressing with great animation: Hon. F. F. Low being the Union, and Hon. J. G. Downey the Democratic candidate. On the occasion just referred to, Mr. Campbell, owing to a misapprehension as to time, commenced his speech at 8.45 o'clock, P. M., and closed at 12.30, A. M., consuming three and three-quarters hours of time. Being then in bad health, it was a subject of common surprise that he could speak, with voice clear and unbroken, for so long a time. His speech was printed in full in the *Union*, occupying nearly nine columns of that paper. The State Central Committee ordered 10,000 copies to be printed in pamphlet form, but soon raised the number to 50,000, for general circulation. It was widely circulated and received as a text-book of the party, and as the most able, instructive and exhaustive argument that had been or could be made on the subject upon which it treated. It was generally agreed that the decisive victory soon afterwards achieved by the Union party in California, was owing as much to the efforts of Mr. Campbell as to those of any other leader of the party in the State.

A few weeks after the delivery of the speech of which mention has just been made, Mr. Campbell was nominated as a candidate for the Assembly by his party in San Francisco. He was elected; and when the Legislature convened

in December, 1863, he was made chairman of the Judiciary Committee of the lower house. His influence in that committee and in the Assembly chamber was remarkable, and equaled, if it did not surpass, that of any man who has ever held a seat in the California Legislature.

During that session of the Legislature the representatives of the Union party met at Sacramento in State convention, to choose delegates to the national convention at Baltimore, called to nominate candidates for President and Vice President of the United States. Mr. Campbell received the highest number of votes cast for any delegate except Gen. Bidwell. His appearance on the platform, and his speech on that occasion, elicited enthusiastic demonstrations of applause. It will be remembered that the excitement produced by the war then raging was intense. One of the principal subjects of public discussion throughout the State was the declaration contained in the resolutions passed by the Union convention, that the volunteer soldiers were entitled to vote at the general election in California, although they happened to be without the boundaries of the State at the time. Addressing himself to this topic, Mr. Campbell electrified the convention with a speech at once argumentative and eloquent. He seemed to be in his happiest vein. The magnificence of his style, the beauty and finish of his periods, the perfect harmony existing between his own feelings and the general sentiment of his party, the vast and appreciative audience, and the impassioned mood of the speaker, all joined to heighten the effect of this splendid effort. He spoke of the lofty valor, heroism and unfaltering devotion of the Union soldiers, "which would hereafter render their posterity more proud of them than if they had sprung from a race of kings," and that "we will send the ballot, if necessary, round about the pendant globe, but what it shall reach them."

Soon afterwards, Mr. Campbell departed for Baltimore, and participated in the proceedings of the convention which renominated Abraham Lincoln for the Presidency.

Returning to San Francisco, in June, 1865, he addressed a public meeting in that city, on the question of

Mexican independence, sternly denouncing the usurpation of Maximilian, and advocating with great zeal the application of the "Monroe Doctrine" in our relations with that country. He was always earnestly in favor of the introduction of the national currency into California.

His political sagacity was remarkable. In the spring of 1865, on his return from the Atlantic States, he told his party friends plainly and emphatically that the elective franchise must and would be extended to all the negroes in the States which had engaged in the Rebellion, for the simple reason that that class of the population could protect themselves in no other way than by the ballot. He astounded many of those to whom he thus spoke, and but few agreed with him until the rapid succession of events attested his foresight.

Mr. Campbell died, after a short illness, in San Francisco, leaving a widow, son and daughter, who have since returned to the East. Owing in a great degree to his disease, he lacked, in his latter years, that suavity and genial temper which were among the most attractive characteristics of his early manhood.

In former years he had great vivacity and personal magnetism, and delighted his hearers with entertaining conversations and amusing anecdotes. He sought no individual alliances or support; and yet such was his great power, aided by the prestige of his former achievements, that his influence was almost unbounded. Until the last two days of the term, not a bill or law was rejected which was introduced or advocated by him, and his frown was fatal to every measure which he opposed. This is stated not as mere flattery or even eulogy, but as an instance of the extent of the influence which one legislator, noted for his integrity, wisdom, and eloquence could exert over his fellows.

During the year 1867, he several times addressed the people of San Francisco on the interesting subject of what is known as "the outside lands," in which he became involved in an exciting controversy with Mr. Conness, then a U. S. Senator from California; also, in the gubernatorial canvass of that year, in which he closed a

masterly speech, by saying that, "he should support Mr. Gorham on *patriotic* grounds, and none other."

As an orator, in particular, it is most difficult to do justice to Mr. Campbell; only those who have seen him in the various moods of passion and thought, which lit up his classic countenance as with a flame of light; who have heard the sweet, deep-sounding cadences of his voice, and witnessed, in his great earnestness, his grand and magnificent gesticulation, who have listened to his profound arguments, and witnessed the effect of his glowing words, the winged messengers of his enthusiastic soul, can fully comprehend the inadequacy of any description of his character.

Well was he described by a leading political paper of California, in January, 1864, as "That just less than sovereign intelligence Thompson Campbell."

In the death of Mr. Campbell, an estimable and devoted wife, and an interesting daughter and son, of mature years, lost a loving, tender, and affectionate husband and father, whose fame and public virtues threw around them the protective glory and shield of an honored and great name. California lost a noble son, who had reflected honor upon her escutcheon. His circle of admiring friends lost in him a friend indeed, and the bar and public forum were deprived of one of the most brilliant of geniuses and most profound of intellects.

The following extract from the obituary notice of Mr. Campbell which appeared in the San Francisco *Evening Bulletin*, on the day after his death, will fitly conclude this brief and imperfect sketch.

Mr. Campbell's voice has often been heard in the discussion of public affairs, and always on the side of liberal principles. None who ever heard him will forget his pale face, set in a frame of long dark hair, his glowing eyes, his nervous energy of gesture, his half-absorbed yet electrical manner, his compact logic, his faultlessly correct and felicitous language, rising often to a natural eloquence, and his fervid expressions of patriotic sentiment. At the bar he was especially distinguished for closeness of logic and clearness of analysis. These qualities, and his command over the attention of a jury, were remarkably displayed in a late important land case in San Francisco.

UNIVERSITY OF CALIFORNIA

Wm. F. Bluelle

JOHN B. WELLER.

By the Editor

This gentleman, for many years a prominent public man in California, and the fourth Governor of the State, was born on the 22d day of February, 1812. His parents were of German descent, and natives of the State of New York. They moved from the county of Orange, in that State, to Ohio, about the year 1810, and settled in Hamilton county, some twelve miles from Cincinnati. There, in the village of Montgomery, John B. Weller was born.

When he was twelve or fourteen years old, his parents removed to Oxford, Butler county, the seat of Miami University. At this institution, John B. was educated. Immediately upon the completion of his studies at college, he became a pupil, in the study of law, of Jesse Corwin, brother of Hon. Tom Corwin, whose name is so familiar to the people of the entire Union. Jesse Corwin's office and residence were at Hamilton, the county-seat of Butler county. In that town, John prosecuted his legal studies until his friend and preceptor considered him qualified to enter upon the practice of law, when he was admitted to the bar before he had attained his majority.

He had been practicing his profession but a short time, when the Democratic County Convention of Butler county nominated him for Prosecuting Attorney. His opponent, the Whig candidate, was his old tutor, Jesse Corwin,

whom he defeated by a large majority. About this time, he was married to Miss Ryan, a daughter of the leading merchant of Hamilton

In 1838, he was elected by the Democracy of his district to the lower house of Congress, representing the counties of Butler, Preble, and Darke—these counties constituting what was then the second Congressional District of Ohio. His readiness in debate, and his oratorical powers, which were considerable, immediately gave him prominence on the floor of Congress. He was conspicuous in nearly every important partizan struggle witnessed in the House of Representatives during his service as a member. His bearing, while the celebrated New Jersey contested election case was convulsing the House, attracted to him the attention of the Democratic leaders, who esteemed him as one of the most effective champions of Democratic principles. When he addressed the House, attentive auditors from both parties were always eager to give due consideration to his earnest yet sober utterances. He was twice reëlected to the House of Representatives, on both occasions having for his competitor the Whig candidate, Hon. Lewis D. Campbell, who, in later years, represented the same district in Congress.

Having lost his first wife a few years after his marriage, Mr. Weller, during his first term in the House of Representatives, married Miss Bryan, daughter of John A. Bryan, then Auditor of the State of Ohio. This lady was a sister of Hon. Charles H. Bryan, formerly Judge of the Supreme Court of California, by appointment of Gov. Bigler. Two years had barely elapsed, when Mr. Weller suffered a new affliction in the death of his second wife. Near the close of his third term in Congress, (1845) he married Miss Susan McDowell Taylor, daughter of Hon. William Taylor, then a congressman from Virginia, and a niece of Col. Thomas H. Benton.

Mr. Weller, when his third term as a representative had expired, determined to resume the practice of law. His party desired to continue him in Congress, and tendered him the nomination again, but he declined, and

devoted himself to his profession, until the war broke out between this country and Mexico. Then he left his business to others, and volunteered as a private. He was chosen captain of his company, which became a part of the First Ohio regiment, and afterwards he was elected lieutenant colonel of this regiment—O. M. Mitchell being colonel. He distinguished himself for his gallantry at Monterey, and when Colonel Mitchell was wounded and disabled, Col. Weller commanded his regiment in the hottest part of the fight.

At the termination of the war, he returned to his home in Ohio, and resumed the practice of law. He was not long allowed the comforts of private life. In 1848, he was nominated by his party as their candidate for Governor. The Whig candidate was Seabury Ford. The memorable struggle between these two men was the most bitter and animated political contest that ever disturbed the public mind in the Buckeye State. Colonel Weller, then in the very prime of life, possessed of a robust constitution and excellent, untiring speaking abilities, opened the campaign at an early day, and throughout its continuance bent his whole strength to the attainment of success. The great, main purpose of the Democracy was to secure the vote of the State for Gen. Cass at the approaching presidential election. If Col. Weller should be elected Governor, it would follow as almost beyond doubt that Ohio would cast her vote for Gen. Cass in the fall election. Col. Weller fully appreciated the importance of the position he occupied, and the great responsibilities resting upon him. The office for which he was nominated was not a desirable one, so far as its emoluments were concerned, twelve hundred dollars ($1200) per annum being the salary attached to it. The candidate was fighting for his party, and looking to a *national* victory. He made speeches in seventy-eight counties of Ohio. He, at no time, relaxed his exertions, nor faltered in his great work until the campaign closed. He took the bold stand, everywhere, that if he were elected by votes of those who endorsed the principles of the new Abolition organization, and the

fact could be determined, he would not accept the office. The prejudice at that time against Abolitionists was general among conservative men who acknowledged allegiance to no political organization, and pervaded the entire Democratic party.

The campaign ended amid intense excitement, which extended not only throughout Ohio but the whole country, which awaited the issue anxiously. For weeks after the election, the result continued in doubt: the race was so closely contested that the official count was required to definitely settle the question of who was the people's choice for Governor. In an aggregate vote of nearly *three hundred thousand*, Seabury Ford was declared elected by a majority of *three hundred and forty-five*. In one county, however, more than *four hundred* votes had been cast for *John* Weller, which were of course intended for the Democratic candidate, as there was no man of the name of *John* Weller before the people; and the Democratic committee of that county having omitted the middle initial of their candidate's name in making up the ticket for the voters of that county, Col. Weller lost the office for which, not only on his own account, but for the interests of his party, he had made so determined and gallant a fight. The great end was nevertheless attained. At the presidential election which followed, the electoral vote of Ohio was cast for Gen. Cass.

In January, 1849, President Polk tendered Col. Weller the appointment of Commissioner, under the Treaty of Guadalupe Hidalgo, to run the boundary line between the United States and Mexico. He accepted the appointment. Having, a month previous, for the third time laid in the grave the chosen and beloved companion who had augmented his pleasures and lessened his anxieties, his mental condition was such as to render new scenes and a change of pursuit particularly inviting. With a force of thirty men, he left New Orleans, a month after his appointment, and came to the Pacific coast by way of the Isthmus of Panama, arriving at San Diego in June. He proceeded at once, with the Mexican Commissioner, to fix the initial point. He had barely completed this

portion of the work when he was recalled by the new administration. Gen. Taylor, very soon after his inauguration, (March 4th, 1849) appointed John C. Fremont to supersede Col. Weller. The new appointee, however, did not enter upon his duties, being engaged in pressing his claims to an election to the United States Senate, in which he was successful. Major Emory, the topographical engineer of the commission, prosecuted the work until the arrival of Mr. Bartlett, Gen. Taylor's second appointee.

By way of excuse for removing Col. Weller, he was accused of being a defaulter, before he had any opportunity to settle his accounts. The charge, started by the then Secretary of the Interior, Thomas Ewing, was repeated in the United States Senate by Truman Smith, of Connecticut. Afterwards, from his seat as a senator from California, Col. Weller had the gratifying opportunity of vindicating himself and demonstrating the utter falsity of the accusation. Scarcely two months had passed since this charge was so boldly made, when a settlement with the government showed a balance of several thousands of dollars in favor of Col. Weller, which was paid him upon his arrival at Washington to take his place in the United States Senate.

The Legislature of 1851–2 elected Col. Weller to the United States Senate, to succeed John C. Fremont. He took his seat early in 1852. In the following session he was made Chairman of the Committee on Military Affairs, and served as such during the remainder of his term.

The Legislature of California which convened in January, 1857, was called upon to elect two United States senators, one for the term of four years, to succeed Dr. Gwin, and one for the full period of six years, to succeed Col. Weller, whose term of office expired on the 4th of March following. The latter gentleman was a candidate for reëlection, but instead of returning home to prosecute his claims, remained at his post at Washington—preferring the consciousness of duty faithfully performed to success at the price of neglect of public trust. The result was his defeat by David C. Broderick, who

received a small majority of votes in the Democratic caucus—Dr. Gwin being afterwards chosen as his own successor.

Upon the arrival of Mr. Broderick, Col. Weller returned to California. Arriving at San Francisco, he was met at the wharf by the leading members of the Democratic party, who desired his continuance in public life. He wished to withdraw from the field of politics, and at first refused to become a candidate for Governor. The unanimity with which his party demanded his nomination for that office attested his great popularity throughout the State, and induced him to accept. His nomination was tendered almost unanimously, and he was elected by an unusually large majority over Edward Stanly, Republican, and G. W. Bowie, American, or Know-Nothing. He was inaugurated in the first week in January, 1858, and held the office for the term of two years, when he was succeeded by Milton S. Latham.

Gov. Weller, upon leaving the office of Governor, retired to his country seat in Alameda county, with his family, having in 1854 married his fourth wife. He wished and expected to enjoy in his quiet and beautiful retreat the sweets of private life and agricultural pursuits the remainder of his days. In less than six months, however, he was on his way to the city of Mexico, as Minister Plenipotentiary to the Mexican Republic, by appointment of President Buchanan. He was recalled in the first month of Mr. Lincoln's administration, Hon. Tom Corwin succeeding him. He then returned to his farm, and devoted himself to its proper cultivation and adornment for a few years. At the height of the excitement consequent upon the discovery of rich silver deposits at Reese river, Nevada, he was tempted to visit the new mines, in the effort to better his condition pecuniarily. He remained there only a few months, and met with no success worthy of mention. He had, however, although advanced in life, become imbued with a love of mining and the adventures and excitements attending life in the mines.

Returning home, and making proper disposition of

his family, he prepared himself for an extended "prospecting" tour. He proceeded to Oregon, thence to Idaho, and afterwards through Idaho and Utah Territories to Great Salt Lake city. In the "City of the Saints," he practiced law for several months. Becoming employed in a murder case which compelled him to prosecute and denounce certain of the Mormons who were implicated in the murder, his course excited the open hatred of the "Saints," who marked him as one of the future victims of the "Destroying Angel." He concluded, very sensibly, to resume his travels. He returned to the Eastern States, and sojourned for a while in Washington city.

In the spring of 1867, he visited New Orleans; and falling in love with the climate, pleased with the business prospects, and having faith in the future of that beautiful city, he determined to make it his home. He is now actively engaged at that place in the practice of his profession.

During his long public career, Col. Weller has ever maintained his popularity with his constituents, and his reputation for fidelity and honesty. Although he has always led a life of frugality, he has never accumulated wealth. As a senator of the United States from California, and as Governor of the State, his conduct was distinguished by unflagging devotion to the interests of the Pacific coast. He is yet in the full possession of his powers, and his old constituents wish him many years of happiness as the reward of his public labors.

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HON CORNELIUS COLE

SENATOR FROM CALIFORNIA

CORNELIUS COLE.

CORNELIUS COLE was born at Lodi, Seneca County, New York, September 17th, 1822, the seventh of twelve children. His paternal ancestors were natives of New Jersey, of English origin, mingled in marriage with the German family of Van Zant. His maternal ancestors were also English, named Townsend, joined in marriage with the family of Ganong. As the time of the arrival of any is at present unknown, all must have come to America at an early date. They were generally farmers and thrifty citizens, the later generations residing near Townsendville, New York, a small village named for his grandfather, its first settler. A few months later followed his maternal grandfather, who settled near by, and here these sturdy pioneers battled with adversity in the wilds of their forest home, conquering all opposition by the same indomitable perseverance and earnest effort that have characterized their descendants, and especially the subject of this sketch. Here was passed the latter's earlier years, though surrounded by scenes very different from those with which his ancestors had been familiar; the howls of wolves had given place to the "church-going bell," the gloomy savage and the wandering hunter had been changed as by a magician's wand, into a circle of society, justly celebrated then, and pleasantly remembered for its purity, intelligence, and excellence. Not nursed in the lap of wealth, nor yet pinched by poverty, his summers were spent in assisting his father in the labors of the farm, and his winters in attendance upon the district school, where he was early distinguished for his profici-

ency in mathematics. Later winters were devoted to teaching school in neighboring districts, and thus in part he earned the means to complete a classical education, upon which he had long been determined. A limited practice in the art of surveying also aided him somewhat in his efforts at self-reliance. For, to his credit be it said, his desire to help himself, and thus allow the resources of his father to extend to the education of his younger sisters, was the motive power of his actions, rather than the present inability of his father's means to supply him. His first winter away at school was spent in the Academy, at Ovid, Seneca county, whence, though some seven miles from home, his drafts for board, though not the lightest, were always duly and promptly honored; not on some bank, but upon his mother's well stocked cellar; as for the sake of economy, he "boarded himself," as the phrase goes. Vividly does the writer remember the Monday mornings, when about to leave for school, the worthy matron would insist on absolutely loading the sleigh with stores of solid viands, regardless of her son's smiling remonstrances, and the last article was generally a few mince pies, or a basket of apples. And well does he remember the glow of love and pride that flushed the broad brow of the mother, and beamed so kindly from her moist eye, as she smiled a good bye to her son in the distance. Who can estimate the effect of such a mother's affection on a young man's future? Upon the subject of this sketch it has borne its fruit. Early manifesting a fondness for learning, being of a thoughtful and studious disposition, he soon took place among the first for good conduct and ability.

After leaving Ovid, he entered the celebrated Genessee Wesleyan Seminary, at Lima, New York, where he vigorously pursued his course of study, taking active part in the literary societies, and obtaining at that early age a good reputation as a sound debater and logical reasoner, rather than as a celebrity in high-sounding periods and classical allusions. His efforts were directed rather to demonstrate the truth and value of a position, than to tickle the ear of the multitude. Having acceptably and

thoroughly prepared himself for college, he entered the Wesleyan University of Middletown, Conn., whence, after three years of collegiate life, he graduated with honor. While here the writer was his room-mate, the last year of his college life, and many personal incidents occurred, now dimly shadowed by time. They peep out from the dark curtain of past memories, too faint in outline for even a willing pen to portray, but often the subject of pleasant musing. At the close of the first term, we found our funds running alarmingly short. An investigation showed that the senior member of the firm, and in consequence purse-bearer, had made very frequent investments in loans to impecunious students, which proved very generally permanent, and necessitated extreme economy for some time to come; this was accomplished by hiring an old woman to cook, and buying our food in bulk; even yet, a pang of regret comes at the recollection of a tub of butter purchased cheap, but only superficially good. Its depths were strong as Homer's heroes. The answer, too, of our butcher, to a remonstrance against tough beef, "that we didn't buy much, and he wanted it to last," did not appear half as witty then as it does now. After awhile the writer, as junior member, was compelled to carry the money, from the fact that an inability to say No seemed chronic with his senior, and the two students were consequently enabled to board again. At the levee of the graduating class at the house of President Olin, the Rev. Doctor asked: "Mr. Cole, what do you purpose to do?" The answer was: "I intend to study law, sir!" "Well, said the Doctor, a man *may* be a good lawyer and a good Christian, but it's a pretty tight squeeze."

After graduating, the law student was for some time in the office of Hon. William H. Seward, at Auburn, New York, where he was admitted to the bar of the Supreme Court of the State of New York, May 1st, 1848. In 1849 he started overland to California, arriving there in July of that year, having suffered severe hardships upon "the plains." After mining some months in El Dorado county, he removed to San Francisco, where he engaged in the practice of his profession about two years. He

then removed to Sacramento, where he practiced over ten years.

While in Sacramento, he was one of the first and most prominent organizers and supporters of the Republican party, when Republicanism was sufficient cause for personal injury and unlimited abuse of its advocates; of which he received a full share, including personal threats, and persistent efforts to injure his business. Much of the subsequent success of Republicanism is doubtless due to his persistent, fearless, and honest support, in those hours of trial. He was defeated as a candidate for Clerk of Supreme Court of California, in 1856, during which year he edited and published the Sacramento *Daily Times*, the leading Republican paper in the State, in the Presidential contest then pending. He was District Attorney for the City and County of Sacramento in 1859, 1860 and 1861. He afterward resided a year in Santa Cruz, California, still engaged in his profession.

He was married January 6th, 1853, to Miss Olive Colegrove, of Trumansburg, Tompkins County, New York, an estimable lady, with whom he has since lived in great domestic happiness, the union being blessed with numerous offspring.

In 1863, Mr. Cole was elected to Congress by ballot through the whole State, receiving 64,985 votes. He served in the thirty-eighth Congress, on the Committees on Post Offices, and Post Roads, and on the Pacific Rail Road. He introduced and carried through Congress the important bill establishing a Steam Mail Line to China and Japan, and several other prominent measures.

In December, 1866, Mr. Cole was elected to the United States Senate, to succeed Hon. James A. McDougall, receiving on first ballot in Republican caucus sixty votes to thirty-one cast for Aaron A. Sargent, and on first ballot in joint legislature ninety-two votes against twenty-six for W. T. Coleman, the Democratic candidate. He entered the Senate March 4th, 1867, and served on Committees for Appropriations, Claims, Manufactures, Post Offices and Post Roads, and Revision of Laws.

As will be inferred from the above, Mr. Cole's pecu-

liar characteristics are unswerving integrity of action and intention, tenacity of purpose, a contempt for wealth and its influences, a strong sense of justice, and fidelity in friendships. Domestic and temperate in habit, and modest in ambition, his honors have been thrust upon him, rather than plucked down by a bold hand.

JOHN R. McCONNELL.

By William H. Rhodes.

John R. McConnell, the leading lawyer of Northern California, was born in Kentucky in the year 1826. He is descended from Scotch-Irish stock, and his ancestors originally settled in the State of Pennsylvania. At an early day, one branch of the family removed to the wilds of Kentucky. On the mother's side, Mr. McConnell is lineally descended from the family of the Clarksons, who are of English origin, and originally settled in the county of Albemarle, in old Virginia. He was the twelfth child in a family of thirteen.

As early as 1833, his father removed to the State of Illinois, and soon settled on a farm, near the town of Jacksonville, the county seat of Morgan county. The next year his father died, and two years afterwards, his mother In 1841, he returned to Kentucky, and resided in the family of a brother-in-law, in Bourbon county, until 1846.

He attended several respectable institutions of learning, both in Illinois and Kentucky; but his education was chiefly derived from the private tutorship of Professor Vaughn, now of the city of Cincinnati. This gentleman now stands at the head of the mathematicians of the West. Under his tutor, McConnell made rapid strides in classical studies, but became eminent in mathematical and metaphysical lore. In the higher mathematics especi-

ally, he excelled, and to this day nothing seems to afford him more pleasure than a dash into the mysteries of curvilinear and conic sections.

In the year 1844, abandoning, on account of ill health, the original design of a military education at West Point, he commenced the study of law, under the tuition of John Martin, Esq., at that time a leading member of the bar of Bourbon county. But from him he derived only slight assistance, and has been always self-reliant in the acquisition of that profound knowledge of law to which he has attained. Some assistance, however, he did derive from a short matriculation at Transylvania University, where his studies were, for a time, directed by such masters of the profession as Judges Wooley, Robertson, and Thomas A. Marshall. Ill health, however, soon compelled him to quit the law school, and he was again thrown upon his own resources.

In 1846, removing again to Illinois, he commenced the practice of law at the early age of twenty-one years. Two years after this, we again find him moving—for early in 1848 he was located at Natchez, in the State of Mississippi.

It was during his residence in Mississippi, that young McConnell commenced laying in that fund of useful information on some branches of the law which afterwards contributed so largely to his benefit, and to that of his adopted State. In Natchez, we find him applying himself to the study of Justinian's Institutes, and that splendid body of civil law which has come down to us from the age of Tribonian. Before he had time to avail himself of any of the knowledge thus acquired, the news of the discovery of gold in California reached his place of residence, and early in 1849, in company with his friend Col. E. J. Saunders, (afterwards so well known in Nicaragua and during the Confederate war) he started across the plains to California. He arrived here early in October, 1849, and settled as a miner in the vicinity of Placerville. It was bruited abroad that he was, by profession, a lawyer, and he soon engaged warmly in the disputes before the various Alcaldes' courts in the vicinity. Here he met

Judge John Heard, now of Sacramento, and the Hon. Frank M. Pixley, of San Francisco. There not being a single law book in the whole district, the discussions, and the decisions equally, must have been rather crude and ill digested; but we have reason to believe that the germ of the entire mining jurisprudence of California sprang from those early deliberations. Finally induced to abandon mining by the growing wants of the community for legal knowledge, as well as by the reputation he had already acquired as a jurist, he took up his residence early in 1851 at Nevada City, and devoted himself thenceforth to the practice of his profession.

In the opening of this sketch, we have characterized McConnell as the *leading* lawyer of Northern California. To those who have met him oftenest at the bar, and know him best in the higher walks of the profession, we need adduce no proof other than such encounters have furnished. But proof is not wanting of a more reliable and a less perishable character.

The records of the Supreme Court of California, for many years, as preserved in the reports, afford ample testimony upon this point. It is not going too far to assert, that the briefs and arguments of John R. McConnell, before that tribunal, have done more towards building up the mining law of this State than the labors of any other counselor upon this coast. To an inexhaustible fund of learning, he added indomitable industry, and a perception quick, sure, and intuitive; methodical almost to formality, he drilled his arguments into the forms of logical sequence, that in most cases amounted to mathematical demonstration. But his memory is, perhaps, the most remarkable trait of a most remarkable mind. It seems to be absolutely infallible. Piled up in the deep reservoirs of his capacious intellect, he calls forth these argosies of wealth at a moment's notice, and launches them upon the tide of learning with an *abandon* that produces amazement.

No point of law bearing upon the subject under discussion seems ever to be overlooked or hidden; and very often his adversary finds that he is more thoroughly

versed in his own case than he is himself. Nor is there any other branch of learning that Mr. McConnell has neglected. Dr. Johnson said of Gibbon, that "no man could casually meet him under an awning, during a shower, and hear him speak five minutes, without saying at once, 'Here is the most remarkable genius in Great Britain.'" This great praise can also be applied almost as faithfully to the subject of this sketch. He appears to be like Macaulay, almost omniscient—all science, art, and philosophy are equally at his command. He has studied almost every branch of human learning—and when at leisure, seated at the fireside amongst his friends, he pours forth such prolific streams of information, that his mind appears inexhaustible. He is withal an acute observer of nature, as well as a profound student of man; and in political ethics, including the history of party in the United States, he has no superior. Nicholas Biddle's panegyric on the true lawyer, applies with great force to McConnell, "who, not content with the ordinary routine of litigation, seeks in all liberal arts, in all sciences, and throughout the whole domain of learning, whatsoever may dignify and adorn his noble occupation."

As a teacher of law, McConnell deserves more than a passing notice. His office has been commonly filled with young men in pursuit of a knowledge of that science, "whose seat," old Hooker declares, "is the bosom of God, and whose voice is the harmony of the world." Amongst those who sought the instruction of McConnell, were Edward Craig, Esq., of Placer county, and the Hon. Wm. M. Stewart, at present Senator of the United States from the State of Nevada. Both these gentlemen are able lawyers, as well as renowned politicians; and Stewart owes all his dialectic skill, ingenuity, and eloquence to the early training of McConnell. It would of course be expected that a man gifted with such talents as McConnell's, should at some period of life be lifted up into public station. As early as 1853, he was elected Attorney General of California, and held that position until 1856. Twice he has been unsuccessful in his political

aspirations. In 1861, he was the Democratic candidate for Governor of California, on a peace platform, but was defeated by Gov. Stanford; and again in 1864, he ran for the Supreme Judgeship, in the neighboring State of Nevada, but failed in securing his election.

In political opinion, McConnell may be classed as an old school strict constructionist. He gravitates toward Calhoun rather than toward Stanton or Seward. It is true, that in 1860 he endorsed Judge Douglas for the Presidency instead of Breckinridge; but the preference seems to have been more the result of personal friendship than of party affinity.

Mr. McConnell has been thrice married. His first wife was Rebecca Cross, of Nevada City; his second, Ann Eliza Moore, of Fayette county, Kentucky; and his third, Sallie B. Darby, eldest daughter of Dr. J. Custis Darby, an eminent physician of Lexington, Kentucky. With this lady he is still living at his old home in Nevada city, the centre of a large band of friends and clients.

In person, Mr. McConnell is of medium height, and rather spare build. His complexion is sallow, but relieved by one of the blackest and brightest eyes that ever shot forth fiery eloquence, rapid thought, and stern denunciation upon an opponent. Few men can meet that glance without quailing. It is of that intense magnetic flame that dazzles and consumes. Of late, Mr. McConnell's health has not been robust, but we trust that he will live long to illustrate the annals of California.

OGDEN HOFFMAN.

BY THE EDITOR.

THIS gentleman, who has been for so many years United States District Judge for the District of California, was born in the city of New York, October 16th, 1822. His ancestors were from Holland, and were among the earliest settlers of New Amsterdam. His father, Hon. Ogden Hoffman, was long one of the most influential leaders of the Whig party. He possessed the graces and powers of oratory in a wonderful degree; was unrivalled as a debater, and "proudly eminent" on the hustings. He was one of the most accomplished lawyers of the Empire State, his fame eclipsing even that of his father, Josiah Ogden Hoffman. At the time of his death, in May, 1853, a meeting of the New York bar was held, at which Wm. M. Evarts and others, who had witnessed his forensic triumphs and his able management of great civil and criminal causes, paid feeling tributes to the nobility of his nature, the greatness of his mind, and the fullness of his learning.

Mr. Hoffman, our subject, graduated from Columbia College in 1840, and determined to prepare himself for the bar. He studied law at Dane Law School, Harvard University, for about two years, under Judge Story and Simon Greenleaf. He afterwards read law under Mark Sibley, of Canandaigua, New York, and under Benjamin D. Silliman, of New York city. After being admitted, he

spent nearly two years in foreign travel; returning, opened an office in New York city, and practiced law for two or three years.

Mr. Hoffman arrived at San Francisco, May 16th, 1850, and entered immediately on the practice of law. He had not been in his home a year when, in March, 1851, President Fillmore appointed him United States District Judge for the Northern District of California—Mr. Hoffman being then twenty-eight years of age.

There were several weighty reasons which nearly moved the young appointee to decline the proffered honor. Recognizing in the appointment a graceful compliment to his father (who had long been the warm friend and supporter of Mr. Fillmore) and being young and inexperienced, he hesitated to accept the responsibilities of a position for which he felt himself unqualified: moreover, litigation was rife at that day in San Francisco, and his prospects were flattering to acquire an ample reward for his labors in the profession. But, being urged by his friends and advised by his father, he assumed the ermine, and (it is not undue praise to say it) though he has many times regretted his acceptance of the office, the people of California are grateful that he *did* accept.

As District Judge—a position which he has held for a period of eighteen years—he has distinguished himself, and won an enviable reputation among the people of his adopted State for his integrity and learning. Upon him has devolved, in a large degree, the settlement of the conflicting land titles of the State, in controversies existing between the Federal Government and claimants under Mexican grants. His decisions, while they have uniformly been sound and impartial, have not only given stability to titles, but they have acquired the confidence and commanded the respect of the whole community. In all the varied duties of the bench over which he presides, he has exemplified a high degree of capacity and intelligence; and the opinions which he has delivered from time to time are being made the subject of a forthcoming publication of Reports, which is anxiously looked for by the public, besides a volume of land cases already issued.

Judge Hoffman possesses classical attainments of a high order, and is a fine linguist. The EDITOR has heard him declare in conversation his belief that it is impossible for any person, no matter how studious and talented, to *master any* language except his own. He speaks French, has some knowledge of other modern tongues, and there is probably no more accomplished Greek and Latin scholar in California. He is a constant reader, a most agreeable conversationalist, and possesses a memory retentive, and enriched with gleanings from a wide range of eclectic information and classic lore.

ISAAC ROWELL.

By Calvin B. McDonald.

Dr. Isaac Rowell was born in Coos county, New Hampshire, in 1818. He is descended from the Pilgrims, his ancestors having come from England with that historic company who came in the *Mayflower;* and through successive generations his family have been earnest and progressive Republicans, in the broad and national sense of the term. He was educated at Dartmouth College, including its literary, scientific, and medical courses, and at once entered upon the practice of medicine at Gardiner, Maine. In 1849, he joined the great procession of enterprise and adventure moving to the farthest West, and coming by way of Cape Horn, arrived in San Francisco on the 16th of June of that year. He at once announced himself as a physician and surgeon, opened an office near the place still occupied by him, and soon became a popular and successful practitioner. From that time to the present, his office has been the daily resort of suffering humanity, a large portion of his attention and skill being devoted to the poor, expecting and receiving no reward save the pleasant consciousness of having sought to relieve the distresses of the friendless and despairing.

In 1852, Dr. Rowell became interested in military affairs, and raised the first cavalry company organized on this coast—the Eureka Light-Horse Guards—which

afterwards became the First Light Dragoons, and which was remarkable as one of the finest companies in the Union. After holding command several years, having been unanimously elected captain at the organization of the company, the First Light Dragoons, the National Lancers, Capt. Thomas Hayes, the First National Guard—Light Artillery—Capt. Thomas D. Johns, united under the organization known as the First California Mounted Battalion; and at the first meeting, every member being present, every vote was cast for Dr. Rowell as commander—an instance of that popularity which he has always enjoyed in every relation of life.

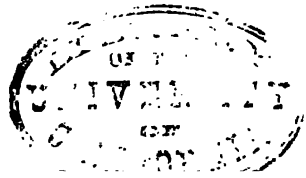
In 1855, he took a leading part in organizing the Medical Department of the University of the Pacific, and was elected to the Chair of Chemistry; also lecturing in various other departments of the institution; and for one full term occupying the Chairs of Chemistry and Surgery with complete satisfaction to the Faculty; while at the same time performing the duties of an extensive and increasing practice; affording an illustration of physical endurance and executive capacity almost unparalleled in the history of his profession, and which could be performed only by the most vigorous and resolute mind. At the commencement of the War of Rebellion, this institution was broken up; many of the students betook themselves to the field, and became distinguished in the reports as army-surgeons, attesting the thoroughness of the instruction received of Cooper, Rowell, and the other earnest and devoted men who had founded a college of Medicine and Surgery among the first public institutions of their young State.

In 1866, he was elected a member of the San Francisco Board of Supervisors, having been an independent candidate, and received a large majority of the popular vote. That position, hardly less important than a membership of the State Legislature, was sought in order to correct abuses and errors existing in the City and County Hospital, to which Dr. Rowell gave his earnest attention during his term of office. Having served in that capacity two years and a half, and accomplished the desired re-

form, he declined a renomination; and on his retirement from office was publicly presented with a magnificent set of silverware by a number of leading citizens, who desired to express their approbation of his faithful and public spirited conduct as a member of the local Legislature. It was the most beautiful and costly gift ever received by any private citizen of San Francisco, and was so referred to by the public journals of that time.

Up to the commencement of the great rebellion, Dr. Rowell had been an active and conspicuous member of the Democratic party; but at that time, together with thousands of earnest and patriotic men who held the principles of Thomas Jefferson, he at once took a foremost and resolute stand for the restoration and preservation of the Union. He supported the second election of Mr. Lincoln, made his first political speech in behalf of that illustrious man, and abandoning a large and lucrative practice, traversed the State at his own expense, and took an active and important part in the presidential campaign. His political speeches were earnest, inspiring, and effective, and perhaps no single citizen did more to create and give direction to public sentiment during the cloudy and perilous days of our country. Everywhere the sturdy and enthusiastic doctor communicated the electrism of his own strong and earnest soul to the people; and he returned with honor and distinction from a turbulent and even dangerous canvass, to resume his gentler rounds among the children of affliction, having obeyed the irresistible impulses of his hereditary nature, and struck a blow for Union, freedom, and the rights of men.

In 1868, he was elected Health Officer of the city of San Francisco by the Board of Supervisors; and in that capacity, during an alarming and desolating epidemic, displayed a characteristic energy and devotion, giving himself up wholly to the duties of a perilous and thankless office, visiting the dreary abodes of the pestilence, contributing to the relief of the poor, and as ever, earnest, active, conscientious, and untiring. We believe he made



the only *post mortem* examination of small-pox that occurred during the prevalence of that awful scourge.

Having glanced rapidly over the public services of one of the most noted and valuable of private citizens, it may be added that Dr. Rowell ranks high with the most distinguished physicians and surgeons of San Francisco. Being one of the oldest, he is also one of the ablest and most popular, not only in the estimation of the public, but likewise with the members of his profession. In private association he is social, generous, and sympathetic, ambitious of popularity and of distinction as a man of liberality and public spirit; caring far more for the good opinion and friendship of his fellow-men than for all the golden treasures that could be heaped around him. In the lecture-room, he is versatile, instructive, and entertaining, giving apt expressions to thoughts original, philosophical, or humorous, as the circumstances and fancy of the moment may suggest. The structure of his mental organism leads to inquiry, analysis, and invention; and perhaps no member of the Faculty in this State is better adapted to the requirements of the lecture-room in a medical institute. As a citizen, he is well informed, public spirited, and liberal, closely observing every new movement of the public mind, taking part in every worthy enterprise, and contributing freely, generously, and almost thoughtlessly to the appeals of charity; the chief obstacle to his greater professional success and fame being the multiform and eclectic nature of his occupations, and his irresistible desire to take part in every great public enterprise, and to be personally identified with every great work of progress and reform. The physician's highway to eminence is through the quiet and sorrowful places of affliction, and it is a long distance; but in the scale of an unselfish philanthropy, it may claim precedence in the loftiest occupations of mankind. To breast the beating storm at midnight, and linger till gray dawn in the abode of poverty, in spite of the invocations of sleep, and with scarcely any hope of reward other than the intangible fees of conscience, are acts of the sublimest heroism.

Professor Rowell is still in the prime of vigorous life, as appears from the excellent portrait preceding this sketch. In personal presence he is as manly and noble as he is refined, humane, and generous in the structure of his mind. And whether in social companionship with his friends, in the public assembly of his fellow-citizens, or in the abodes of threatening death or friendless poverty, he is always recognizable among the highest types of enlightened mankind and the truest of American citizenship.

NATHANIEL BENNETT.

BY THE EDITOR.

THIS gentleman is one of the oldest practitioners at the San Francisco bar. For nearly twenty years, with the exception of the time when he occupied a seat upon the Supreme Bench of California, and the further period of nearly five years passed in two visits to the Eastern States, he has been actively engaged in the practice of law in the metropolis of the Pacific.

Judge Bennett is of regular old Puritan stock. His father and mother were born and married in Fairfield county, Connecticut, where their ancestors had resided for several generations. A short time after their marriage, his parents removed to Caatskill, then a village just beginning to flourish in the State of New York, and where his father engaged in the mercantile business for some years. The latter afterwards moved to Clinton, Oneida county, at which place Hamilton College had then lately been established. His object in moving to Clinton was to embrace the better opportunities which offered for the education of his children.

Two of his sons, older brothers of Nathaniel, graduated at Hamilton College. One of them was for many years chief judge of the Court of Common Pleas in Erie county, New York. The other was also a lawyer, and practiced his profession in New York city, in partnership with Hugh Maxwell, Esq., at that time District Attorney of the city. This brother died when quite a young man.

Nathaniel Bennett was born at Clinton, Oneida county, New York, on the 27th day of June, 1818. When he was three or four years old his father purchased several tracts of land of considerable extent, in Erie county. On one of these tracts he settled as a farmer, moving his family thither from Clinton. Nathaniel passed his early boyhood on this farm, and in his twelfth year was sent to Buffalo to a military school, then lately established by the celebrated Captain Partridge, who had been for more than twelve years principal of West Point Academy.

Nathaniel was at school at Buffalo for over two years. The pupils of this school were daily subjected to regular military drill and exercise, after the fashion at West Point. From Buffalo, young Bennett was sent to the Academy at Canandaigua, under the direction of Mr. Howe, where he continued his studies for about a year. One of his schoolmates at Canandaigua was Stephen A. Douglas, who then gave no indication of his subsequent renown. After leaving the Academy, young Bennett was sent to Hamilton College, where he remained one year; at the end of that time he entered Yale College.

Mr. Bennett read law at Buffalo, New York. He was admitted to practice as an attorney in 1840, and as a counselor in 1843. He practiced at Buffalo from 1840 until the fall of 1842, in partnership with Eli Cook, a brother of Elisha Cook, Esq., of San Francisco. He then determined, as his health was somewhat impaired, to make a tour through the Southern States. In 1838–9, he had traveled through Ohio, and visited many parts of Indiana and Kentucky, but had beheld no spot for which he was willing to exchange his own home—Buffalo. Up to the time of his starting upon his second and longer journey, Mr. Bennett had always been an ardent Democrat, and a great admirer of the South and southern institutions. A radical change was soon to come over his feelings. He passed, on horseback, through the States of Ohio, Indiana, Missouri, Arkansas, and Louisana, to New Orleans, where he spent the winter of 1842–3. In the following spring, he started upon his return trip. He rode, on horseback, through eastern Louisiana, through Mississippi, Georgia,

Tennessee, Kentucky, Virginia, Pennsylvania, and New York, to Buffalo. In referring to this tour, Judge Bennett has stated that it wrought a great change in his views concerning southern institutions, country, and people.

Upon his return home, Mr. Bennett applied himself closely to the study and practice of his profession. When the political organization known as "Barnburners" first arose, under the leadership of Silas Wright, Benjamin F. Butler, Joseph White, John Van Buren, and others, Mr. Bennett embraced the principles of the new party with enthusiasm. He was a member of the celebrated Barnburners' convention which met at Buffalo in the summer of 1848. In addition to the men just named above, Charles Francis Adams, Charles Sedgwick, Alvin Stewart, of Utica, and James W. Nye, now U. S. Senator of Nevada, were delegates to the convention; and a great many others, among whom were some of the most noted men of the Democratic party, who had determined to sever their connection with the latter organization, if it continued in the course which it was pursuing. The convention nominated Martin Van Buren for the presidency. The result of the election is known. Silas Wright, truly a great man, did not live to see the triumph of his principles. Although wedded to political tenets repugnant to a very large majority of his fellow-citizens, and dying in the effort to engraft his views upon hostile public sentiment, millions of devoted friends and magnanimous foes lamented his death, and the flag of his country drooped in melancholy appreciation of the national loss. Judge Bennett is one of those whose hearts were cast down by the tidings of his death, and who have labored patiently and quietly for the vindication of his political principles, and the establishment of a great national party, whose controlling purpose should be the fulfilment of his prophecies and the execution of his high designs.

From 1843 to the summer of 1848, Mr. Bennett was exclusively engaged in practicing law. His success was very considerable. By long and continued labor, and the sacrifice of personal comforts and enjoyments, he had

acquired a competency; but his health had become greatly impaired. He was closing up his business affairs, with the intention of spending the following winter in Europe, when the discovery of gold directed his attention to California. His physicians had advised him to take a sea voyage, and as he had lost his health in the pursuit of gold, he hoped in like manner to regain it.

About the time Mr. Bennett determined to leave for California, a few of his friends made the same resolution, and their united efforts got together a pleasant party of twelve persons, mutual acquaintances, who agreed to make the long sea voyage in company. Before completing the arrangements for their departure, they heard of an old ship announced to leave New London, Connecticut, for San Francisco. Believing that a vessel leaving that port would be less crowded than one from New York city, Mr. Bennett, on behalf of his little party of friends, visited New London and inspected the ship. She proved to be the *Mentor*, a whaling vessel, which had been built by Stephen Girard *thirty-eight years* before, had made several long voyages, and now presented a sorrowful appearance. Mr. Bennett was not fascinated at the sight of the old hulk on her beams, dismasted, stanchions rotten, and innocent of paint. Like many of his old writs and summonses, he thought her *functus officio*. But, upon inquiry, he ascertained that her timbers were strong, and that the necessary repairs could be made so as to render her entirely sea-worthy. Accordingly, he engaged passage for his party. The owners of the *Mentor* at once proceeded to fit her up in proper manner; they painted her, put up her masts, made two cabins, one having capacity for fifty steerage passengers, the other just large enough to accommodate Mr. Bennett and his friends, and a few others, making twenty-five in all. The *Mentor* sailed from New London on the last day of January, 1849. Our little band of pioneers were well provided with tents, clothing, provisions and every variety of implement then deemed necessary in mining. On the first day out, the *Mentor* encountered a violent gale, which severely tested her strength and fitness for the voyage

she had undertaken. She behaved splendidly, but having sprung her main cap she was obliged to put in to Rio Janeiro for repairs. After a week's sojourn at that place, enraptured beholders of natural scenery which, in magnificence and grandeur, is surpassed by that of no spot on earth, the voyagers renewed their journey. Swiftly and gallantly, the old *Mentor* swept round the "Horn," passing every one of the many vessels she overtook on the way. She stayed two days at Juan Fernandez, or Robinson Crusoe's Island, where the passengers landed. Mr. Bennett and his companions wandered, with feelings of pleasurable emotion, over this famous island, and frequent and fervent were their expressions of admiration for the genius of De Foe, whose pen, one hundred and thirty years before, had invested this lonely island with such romantic interest, that a perpetual charm will linger around it and pervade its silent lodges.

The *Mentor* landed her passengers at San Francisco, on June 30th, 1849. Judge Bennett has stated that the five months consumed in the voyage round the "Horn" were passed more pleasantly than any other portion of his life. The captain and crew of the *Mentor* were old whalers and well-behaved men; the cabin passengers were supplied with books, chess-boards, cards, etc.; and as Mr. Bennett spent considerable time every day in studying the Spanish language—that being the tongue spoken by the native population of California—it may easily be perceived how the long ocean voyage was rendered agreeable, and even delightful. Besides, Mr. Bennett enjoyed a happy exemption from sea-sickness during the entire trip.

Upon arriving at San Francisco, Mr. Bennett's company determined not to remain in the city, and the entire party immediately started for the mines. The little party did not cling together a month, but broke up, like all such companies in those times, most of them returning to their homes in the Eastern States.

Mr. Bennett commenced his California life in digging gold on the Tuolumne river, on a bar about two miles below Jacksonville, at the mouth of Wood's creek. This bar proved very rich, and being worked by a goodly

number of men, yielded an immense amount of gold. Mr. Bennett was very fortunate at mining: he continued at his new occupation for about three months, when in response to the repeated solicitations of a friend practicing law at San Francisco, he determined to repair to that city, and resume the practice of his profession. Accordingly, in the fall of 1849, he returned to San Francisco, where he formed a law partnership with the gentleman who had induced him to leave the mines. This gentleman was the Hon. John Satterlee, afterwards Judge of the Superior Court of San Francisco, one of Judge Bennett's earliest and best friends, and a member of his company, but who had crossed the isthmus in advance of the rest.

During his long sea voyage, Mr. Bennett had made considerable progress in his study of the Spanish language; and after commencing practice at San Francisco, he continued his studies until he could read Spanish law-books with facility. Soon after the adoption of the State constitution, he was elected a State senator from San Francisco. He had been in his seat only a few days, when he was elected by the Legislature one of the Associate Justices of the Supreme Court, being chosen for the longest term, six years. During his brief senatorial career, and immediately thereafter, he virtually directed the determination of an important question then agitating the mind of the legal fraternity. A petition signed by many practicing members of the San Francisco bar, had been submitted to the Legislature, praying that that body would retain "in its substantial elements, the system of the Civil Law." The report of the Judiciary Committee, to whom this petition was referred, was written by Judge Bennett, and led to the prompt adoption of the COMMON LAW by the Legislature then in session. This lettered exposition of the general principles of the Civil and of the Common Law, replete with arguments, compactly marshalled, in favor of the superiority of the latter system, will be found in the first volume of the California Law Reports. It has lost no tittle of its original merit, and cannot be too often read by the law student.

Judge Bennett continued on the Supreme Bench for

about two years, when he resigned, his salary being insufficient to support him in comfort. The nominal salary of a Supreme Judge was ten thousand dollars per annum, payable quarterly; but soon after the organization of the State government, the scrip of the State rapidly declined, as might have been expected.

Judge Bennett was compelled to part with large amounts of scrip for fifty cents on the dollar, and some as low as thirty-five cents. Upon the expectation that the paper of the State would not fall much below par, he had contracted some debts, drawing a high rate of interest, and to remain in office would be to sink deeper and deeper in debt. He therefore resigned, and entered upon the practice of law.

In October, 1850, when the glad tidings came slowly over the waters, that California had become a sovereign State in the federal sisterhood, the enthusiastic citizens of San Francisco celebrated the event with great pomp and ceremony. Judge Bennett was selected to deliver the oration. His effort on that occasion was printed in full in the columns of the *Alta California*, and other newspapers of the city. It is remembered with affectionate admiration by the surviving pioneers of the State, and is treasured among the archives in the County Recorder's office of San Francisco. It is a masterpiece. It has long been a favorite piece for declamation in our schools; and no matter to how high a standard the literature of the Pacific coast may in future attain, must ever be considered and esteemed as a California classic. This oration appears in this volume, immediately following this sketch.

In 1852–3, Judge Bennett was absent from the State for eighteen months, on a visit to the Eastern States. Upon returning, he resumed the practice of law. He devoted himself closely to his profession, and paid but little attention to politics until the formation of the Republican party. He was present, and took part in the first Republican meeting held in San Francisco; and was a delegate to the first Republican State convention held at Sacramento, being elected president of that body. He was nominated for Judge of the Supreme Court on

the first Republican State ticket voted for in California, when Hon. Edward Stanly was the Republican candidate for Governor. Being defeated, with the remainder of the Republican nominees, Judge Bennett paid a second and longer visit to his old home, and returned to San Francisco after an absence of three years, in 1860. Since that time, he has been in continuous practice at the San Francisco bar. From 1866 until 1868, Judge Bennett was in partnership with Elisha Cook, Esq., brother of his former law-partner in New York. Later, he was the senior member of the law-firm of Bennett, Machin & Owen; and still continues, in connection with the last-named gentleman, the practice of law.

At the celebration in May, 1869, of the completion of the Pacific Railroad, by the people of San Francisco, Judge Bennett had the honorable task assigned him of delivering the oration on the occasion. In grandeur of thought, splendor of diction, and beauty of expression, this effort will compare favorably with his address delivered in 1850, to which allusion has already been made. Thus, it will be seen, the name of Nathaniel Bennett will be intimately associated through coming time with the history of the two grandest events which in his age affected the interests and destinies of his adopted State.

It is hardly necessary to speak of Judge Bennet's personal qualities or professional abilities. He is known by his works. An able bar has long recognized him as one of the first of counselors and jurists. He is a scholar of high classical and scientific attainments; and as Poe said of Bryant, "His soul is charity itself, in all respects generous and noble."

Oration,

Delivered at the Celebration of the Admission of California into the Union, Tuesday, October 29th, 1850.

BY NATHANIEL BENNETT.

FELLOW-CITIZENS: The human heart is never in repose. One moment it is oppressed with gloom; another, enlivened with gayety. It vibrates unceasingly, between the pangs of disappointment and the cheerful excitement of gratified desire. These varying emotions sometimes spring from individual causes, limited in their effects, and rarely extending beyond the precincts of individual interests; at other times, their sources flow from some great national blessing, or some great national calamity, and pervading alike all portions of the land, pour their flood of sweet or of bitter waters through every heart.

A few weeks ago we were congregated on this very spot. It was a day of mourning.* The head of the nation had been laid low in the earth. That heart which beat so warmly for us had ceased its friendly throbs in the embrace of death. The wave of sorrow starting from the Atlantic shores of the continent, and gathering accumulated force in its progress, had just burst over the hills and valleys of California, and its solemn murmurings were mingled with the surge of the Pacific. On the occasion to which I allude, emblems of mourning saddened our sight. The pall, the hearse, the drapery of black, the strains of martial music borne upon the air in tones of woe, and the sad thoughts speaking from the melancholy countenances of the vast assemblage—all proclaimed that the cherished hopes of a whole nation had been smitten down, and that the wail of a nation's anguish was ascending to heaven.

But two short months have elapsed, and we again stand upon the same spot. But how changed the scene! Cheerfulness has taken the place of sadness. Buoyancy of spirit has succeeded to despondency and regret. Badges of rejoicing everywhere greet the eye, and acclamations of pleasure salute the ear. Amid yon forest of a thousand masts, innumerable gay pennants and signals are flung to the breeze, in token that the sons of ocean, equally with the dwellers upon land, participate in the general jubilee. Banners and music, as of a triumphing army, mingle in our march. The deep voices of a hundred cannons proclaim our congratulations. Business stands still in the streets; and all the fair, the gay, hoary-headed age, and elastic youth, and vigorous manhood, have gathered here to-day, as from a strong and common impulse, to testify, in this imposing manner, their deep and abiding joy that California at length stands an equal among her sisters, the thirty-first State of the American Union.

At any time this would have been a source of hearty congratulation. Now, it is peculiarly so. For months had we waited in painful

* For the death of Gen. Taylor.

anxiety, at one moment elated and again depressed, as each successive steamer brought tidings of the prospect, more or less speedy, of our receiving the simple justice which we had a right to demand from Congress. And our anxiety was not without cause. We were placed in a strange and anomalous condition. Possessing within our borders the richest mineral region of the world, we had yet but a limited control over it, and Congress had neglected to provide the necessary regulations for the extraction of its treasures. The agricultural lands of our valleys were left to lie waste in consequence of uncertainty of ownership, and of doubt as to their ultimate disposition; and no provision being made for the survey of government lands, we could receive the benefit of no preëmption laws, and could acquire no title to any portion of the national domain within our limits. We had a State government regularly organized in all its departments, with powers sufficiently enlarged to enable it to perform all the requisite functions of a State government *under* the federal constitution, but not comprehensive enough to subserve the pressing wants of an *independent* community. With a great maritime commerce, we yet had no admiralty courts; with extensive correspondence with the States and amongst ourselves, the postal facilities were miserably inadequate. Paying into the national treasury a tribute more than sufficient to defray the expense of the whole military force of the Union in this State and in Oregon, and the whole naval force on the Pacific station, we were nevertheless not permitted to enjoy those reciprocal benefits which alone could render such enormous taxation even tolerable. We were thus compelled to sustain the burdens of government, without being admitted to a participation in its blessings. We were taxed without representation; but our revolutionary sires resolved that taxation and representation should go hand in hand, and that the *duty* should not be enforced, unless the correlative *right* was granted. Claiming to be a State ourselves, and the administration of every department of our government being based upon such assumption, we were, nevertheless, not recognized as such by Congress, and could not have been so considered by the federal judiciary. We were in the awkward predicament of a State *out* of the Union, when justice dictated, and imperious necessity demanded, that we should be received to the enjoyment of the privileges of a State *in* the Union. We stood alone *amongst* the republican family of Anglo-Americans, whilst, at the same time, we were not *of* them. In addition to these manifold sources of disquiet in our midst, there were others which gave rise to no less apprehension. The portentous cloud of political contention had gathered over our heads, and party strife and sectional animosity hung, like lurid balls, on the skirts of our eastern horizon. Night seemed to settle upon our hopes. Some amongst us even felt as if the wave of necessity must drift us into an untried and dangerous sea; but patriotism still stood calm at the helm, and hope endeavored to pierce the thick darkness of the future. It was at such a time that the tidings of the event which we celebrate reached us; and the rebound of our feelings to-day is in proportion to the depth

of our past depression. If, when the tempest has gathered over the troubled waters, and the angry billows, lashed into fury, rave around the devoted bark, the winds are suddenly lulled, the waves hushed, and the warm sunshine again sleeps upon the bosom of the tranquil sea, the thrill of delight which the hardy mariner feels is enhanced by the recollection of the imminent dangers from which he has just escaped.

To the people of the old States the admission of a new one has always been a source of honest pride. They behold with gratification the spread of the empire of freemen; and their welcome voice has always been heard in the past, as in gay and glittering procession, and laden with varied gifts, State after State has gone thronging up for admission and been marshaled into the lists of the Union. How then could it be otherwise, when California, with her robe glowing with silver and a diadem of gold upon her brow, had so long and patiently waited for the privilege of being allowed to participate with her elder sisterhood in their hopes and fears, to share with them the common benefits and sustain her portion of the common burdens. The numerous manifestations of kindly feelings from our brethren of the East prove that their satisfaction is inferior only to our own—that they receive us into their embrace with sincere friendship, and with warm wishes for our continued prosperity and permanent welfare. The notes of their rejoicing at the consummation of our mutual wishes have not ceased to reverberate, when California takes up the strain; and in tones not less sincere and perhaps even more heartfelt, sends back to her elder sisters a pledge that she will never disgrace that Union into which she has been received, but will for ever continue to revere and cherish it, not merely as the highest honor to herself, but as a guaranty of blessings to the human race. This is due not only to herself, to the Union, and to humanity, but is doubly due to her friends, who, whether in private life, in the Legislatures of the respective States, or in the national councils, have defended her character from the false and impudent aspersions which have been cast upon it even in high places, and have asserted her rights with unfaltering zeal and determined boldness. To all such, it would be ungrateful did we not remember them in this the day of our triumph, and return them our hearty thanks, and assure them that the pledge they gave of our attachment to the Union was well founded. Indeed, it is impossible that the people of California should be otherwise than devoted to the Union. They are not outcasts, whom an overpopulous society has thrown from its bosom in order to secure the means of subsistence for the rest. They are not criminals, fleeing from punishment for transgression of law. They are not drones, whom an industrious community has chased from the common hive. They do not consist of the vicious and idle, who were incapable of procuring an honest competency upon their native soil. They are not the ignorant, banished by superior knowledge and talents and attainments from the refinements of civilized life. Such as these would scarcely have had the energy to undertake, or the persever-

ance or ability to accomplish, a journey to this remote region. They do consist of the industrious laborer, the independent mechanic, the shrewd and intelligent merchant, the skillful physician, the learned lawyer, and the pious divine. They embrace as much of enterprise, as much of intelligence and learning, as much of business skill and capacity, as much of morality and love of good order, as any other community of equal numbers under the sun. They possess, in a higher degree than can be found anywhere else, the peculiar characteristics of Americans; an energy that never flags, and an indomitable resolution in surmounting all obstacles. They have not come from one State, nor from one section of the Union, but from all. East and West, North and South, almost every county and city, and village and town, of each of the thirty old States, have their representatives in our midst, identified with our weal or our woe. Nay, there are but few families in the Eastern States whose blood does not flow, either directly or collaterally, through the veins of some citizen of California. How, then, is it possible that we should not feel a deep interest in the preservation and perpetuity of the Union? And how is it possible that the welfare of California should not be bound, more closely than with links of steel, to the hearts of the whole American people? The electric chains of human sympathy, from the Atlantic to the Pacific, and from the Pacific to the Atlantic, stretching across the wide interval of mountain and plain, not a link weakened nor its brightness dimmed or tarnished by distance, must for ever bind the two portions of our common country indissolubly together. These are bonds of affection stronger than ties of mere political connection, and they can never be severed by sectional jealousies, nor by the mad schemes of disappointed ambition. Wherever, then, the Union may be disparagingly spoken of or sneeringly scoffed at—on whatever spot our national banner, which floats so gallantly in war and so gracefully in peace, may be trailed on the ground, and its glorious folds ignominiously trampled in the dust—California will never lift a sacrilegious hand to sever the common ties of interest, of friendship, and of kindred—she will, to the last, cling to the Union, not merely as the plank of her safety, but as the ark freighted with her brightest hopes for the future and her holiest remembrances of the past.

And who is there amongst us but feels proud that he is a member of this grand confederacy of freemen? Who would wish to sever his earliest patriotic impulses and associations, and form unto himself new and strange gods? Who would choose to forget the warm impressions of youth, when his ear first caught the strains of our martial music and his eye learned to look with pride upon the emblem of our national power and glory, as it was flung to the breeze of his native hills? Let us indulge the anticipation that the patriotic hopes which stirred the breast of childhood, which inspired the heart of youth, and which cheer the toils and struggles of manhood, may quicken the languid pulse of old age; and that Time, who, in his never-ceasing and yet imperceptible course, gradually and silently steals away, one by one, the impulses of early years,

may, even at three score and ten, leave untouched the thrill of enthusiasm at the sound of our national anthems and the sight of our national flag.

And is not our country worthy of our sentiments of veneration and love? Not two centuries and a half have elapsed since our race first planted their steps on American soil. Only three quarters of a century—a period which, though conducting the individual man to old age, is but a day in the history of a nation's existence—have passed away, since we took our place amongst the powers of the earth as a distinct and independent nation; and yet, during that brief period, we have made advances in national greatness which have required with other people the struggle of centuries to achieve. The sparse population scattered at wide intervals along the Atlantic coast has grown to an empire of twenty millions. The thirteen States which formed the Constitution have been multiplied to thirty-one. The narrow belt of American civilization on the eastern slope of the Alleghanies has been constantly growing wider and wider, and pushing its bounds farther and farther. It has crossed the Sabine on the south and the Mississippi on the west. It has ascended the Rocky Mountains, and the snow-capped summits of the Sierra Nevada have been no impediment in its course. At length it laves its feet in the waters of the Pacific. It spans the entire continent, and the base of its arch rests on the shores of both oceans. We have a frontier line of eleven thousand miles; a sea coast of upwards of six thousand; a lake coast of more than two thousand. We have rivers twice as long as the Danube, the largest river in Europe, and bayous and creeks that shame the Thames and the Seine. We have single States larger than the United Kingdom of Great Britain and Ireland, and harbors that would hold all the navies of Europe. From Maine to New Orleans, or from Washington to San Francisco, is farther than from London to Constantinople—a route that crosses England, Belgium, Prussia, Germany, Austria, and Turkey.

It would seem that the progress of our institutions westward was at length effectually closed by the ocean. But it may be we miscalculated even here. The peaceful islands of the sea, which yield their spontaneous productions without toil, with a climate as if tempered for the abode of the gods, where to live is pleasure and to breathe the pure air is bliss—it may be that in the lapse of time they will occupy the position which California now occupies, and become to the American people what we are now to the Eastern States. Nay, further: the vast continent which lies beyond, teeming with millions of semi-civilized inhabitants, and reeling under the heat of a tropical sun, may yet yield to the influence of American institutions, and repose beneath the shelter of American freedom. Empire is born, increases, wanes: its course hitherto has been westward; and it is not impossible that in the revolving cycle of ages, the seat of the last great empire may be on the very spot of the origin of the first, and the plains trodden by the Chaldean and Assyrian despot may echo the songs of American liberty.

While we would by no means urge the spirit of conquest, so rife amongst our people, but would use all legitimate measures to repress it, yet when the field is ripe, we would not neglect the harvest through fear that our garners will overflow. We are not amongst those who believe that, because former republics and kingdoms have gone to wreck when their territory became extended, and perhaps for that reason alone, the same result must necessarily or will probably attend our system also. It may perhaps be deemed rashness and a disregard of the teachings of experience, when we declare that the examples so often cited of Greece and Rome, and Italian Republics, thrust forward as Procrustean beds, to the dimensions of which our republic must be cramped, have but little weight upon our mind. Their forms of government, the condition of civilization and intelligence amongst their people, and above all the great inventions of modern days, unknown to them, render any such comparison inappropriate.

The advancement of political knowledge and its reduction to practice; the discoveries in the laws of the physical world, and their application in a thousand ways to machinery, which characterize the present age; have rendered valueless the political theories and maxims and principles and practice of ancient States. Steam, applied to the propulsion of vessels and railroad cars, has brought the remote sections of our country into close proximity. Forty years ago, Cincinnati was a month's journey farther from New Orleans than San Francisco is now. It then required months to ascend the Mississippi, where it now requires days. Intelligence flies on the wings of lightning, with the rapidity of thought. The magnetic telegraph whispers as readily and distinctly at the distance of two thousand miles as at the distance of two feet. In point of rapidity of intelligence, Washington is as near to New Orleans as to New York, and with a telegraph from San Francisco to the seat of government, she would be as near to the Capital as either. The universal intelligence of our people, amongst whom all read and think, and to theoretical knowledge add practical experience in matters of government, is another strong safeguard, unknown in other nations, against danger from the expansion of our territory.

Again, another great and distinctive feature of our system, which renders inapt the comparison of all former systems, is the division of powers between the federal government and the local governments of the respective States—whereby the former, acting within the scope of its limited powers, controls the general interests of the whole, and provides such measures as concern the welfare of all portions alike; whilst the latter attend to the distinct wants of their own separate communities, and prescribe such laws as suit the peculiarities of climate, people, manners, and institutions of their respective States, but which might not be of a common utility to all. Thus the one portion of our system is indispensable to the perfection of the other. If all the powers of legislation and government over the general interests of the nation, as well as over the minute local affairs of the different sections, were entrusted to Congress,

then it might with reason be feared that the diversified wants of the various portions of the country could not be adequately provided for, and that secession or revolution might be the result. But with the Federal government and the respective State governments revolving each in its appropriate sphere, we see no reason why our system is not as well adapted to the government of the whole continent as it was to the government of the original thirteen States. It is the mutual adaptation, each to the other, of all the different parts of our system which, as is the case with the harmonious adjustment of the planets, attracts and restrains each in its appointed orbit, and impels the whole, without confusion or discord, around the common centre. We see but little danger of a disruption of the Union merely on account of its extent. Other causes may operate to produce that result, but of them it is not our province now to speak.

Californians, natives of the soil! such is the nation, its progress in the past and its prospects for the future, which you have chosen to adopt for your country. You and ourselves stand on common ground. Born and reared under different governments, and speaking different tongues, we nevertheless meet here to-day as brothers. The same fraternal roof shelters us all. The ægis of the Constitution guards and protects us alike. Though you have been severed from the parent tree, your strength is not sapped nor your leaves withered; but, grafted into a strange branch, you nevertheless spring forth with more than former vigor, and flourish with fresh and unwonted luxuriance. Subject to no other restraints than ourselves, cherished by the same beneficent laws, enjoying the same rights, political, civil, and religious, you stand amongst us in all respects our equals: than this we can say no more, for we acknowledge no superiors. Henceforth, notwithstanding difference of origin and perchance diversity of sentiments, you and ourselves and our posterity, through all coming time, are inseparably united, whether in happiness or in misery. Henceforth, our fortunes are embarked on the same voyage and destined for the same port. Henceforth, we kneel at the same political shrine, are charged with the same protection of our common institutions, and are bound by the same holy ties to fan the flame of liberty and keep its sacred fires for ever burning upon the altar of our common country. Henceforth, we have one country, one hope, one destiny. Your hearty participation in the joyful event which we celebrate in common to-day gives abundant evidence that if the day of trial shall ever come, when the fountains of the political deep shall be broken up, and discord rule the hour, you will be found standing shoulder to shoulder with ourselves, putting forth all your exertions in maintenance of the laws which we cherish and in support of the constitution which we revere.

Fellow-citizens: we are at length fairly launched upon our course. With a State constitution approved by the convention unanimously, and adopted by the people with scarcely a dissenting voice—a constitution guaranteeing freedom to all, favoring none, and bringing all the officers of the State under immediate responsibility to the people,

there is no reason to doubt our eminent success. Judging from the past, what have we not a right to expect in the future. The world has never witnessed any thing equal or similar to our career hitherto. Scarcely two years ago, California was almost an unoccupied wild. With the exception of a presidio, a mission, a pueblo, or a lonely ranch, scattered here and there at tiresome distances, there was nothing to show that the uniform stillness had ever been broken by the footsteps of civilized man. The agricultural richness of her valleys remained unimproved, and the wealth of a world lay entombed in the bosom of her solitary mountains, and on the banks of her unexplored streams. Behold the contrast! The hand of agriculture is now busy in every fertile valley, and its toils are remunerated with rewards which in no other portion of the world can be credited. Enterprise has pierced every hill for hidden treasure, and has heaped up enormous gains. Cities and villages dot the surface of the whole State. Steamers dart along our rivers, and innumerable vessels spread their white wings over our bays. Not Constantinople, upon which the wealth of imperial Rome was lavished, not St. Petersburg, to found which the arbitrary power of the Czar sacrificed thousands of his subjects, could rival, in rapidity of growth, the fair city which lies before us. Our State is a marvel to ourselves, and a miracle to the rest of the world. Nor is the influence of California confined within her own borders. Mexico, and the islands nestled in the embrace of the Pacific, have felt the quickening breath of her enterprise. With her golden wand she has touched the prostrate corpse of South American industry, and it has sprung up in the freshness of life. She has caused the hum of busy life to be heard in the wilderness "where rolls the Oregon," and where until recently was heard "no sound save his own dashings." Even the wall of Chinese exclusiveness has been broken down, and the children of the sun have come forth to view the splendor of her achievements. But flattering as has been the past, satisfactory as is the present, it is but a foretaste of the future. It is a trite saying that we live in an age of great events. Nothing can be more true. But the greatest of all events of the present age is at hand. It needs not the gift of prophecy to predict that the world's trade is destined soon to be changed. But a few years can elapse before the commerce of Asia and the islands of the Pacific, instead of pursuing the ocean track by way of Cape Horn or the Cape of Good Hope, or even taking the shorter route of the Isthmus of Darien or the Isthmus of Tehuantepec, will enter the Golden Gate of California, and deposit its riches in the lap of our own city. Hence, on bars of iron and propelled by steam, it will ascend the mountains and traverse the desert, and having again reached the confines of civilization, will be distributed through a thousand channels to every portion of the Union and of Europe. New York will then become what London now is, the great central point of exchange—the heart of trade—the force of whose contraction and expansion will be felt throughout every artery of the commercial world; and San Francisco will then stand the second city of America. Is this visionary? Twenty years will determine.

With all these elements of wealth in our midst, with this experience of the past and these prospects for the future, it would be madness should we prove false to ourselves in the career upon which we have but just entered. Let us hope that the foundations of our State government are wisely and skillfully laid, and let us endeavor to rear a superstructure thereon which shall prove worthy of the high destiny to which we are called. The responsibility rests upon us whether this first American State on the Pacific shall, in youth and ripe manhood, realize the promise of infancy. We may, by unwise legislation, by unhappy dissensions, by maladministration, cramp her energies and distort her form, or we may make her a rival even of the Empire State of the Atlantic. The best wishes of Americans are with us—they expect that the fortunate past will prove but the harbinger of a still more glorious future; that the Herculean youth will grow to a Titan in his manhood. The world is interested in our success, for a fresh field is open to its commerce, and a new avenue to the civilization and progress of the human race. Let us then endeavor to realize the hopes of America and the expectations of the world. Let us not only be united amongst ourselves for our own local welfare, but let us strive to cement the common bonds of brotherhood of the whole Union. In our relations to the federal government let us know no South, no North, no East, no West: wherever American liberty flourishes, let that be our common country—wherever the American banner waves, let that be our home.

JAMES KING OF WM.*

JAMES KING OF WM. will always be a prominent and honored name in the history of California, and especially in the annals of its chief city. His was the head that planned the regeneration of California society, the heart that periled life to achieve it. From his assassination, as from the blood of a martyr, sprang a great political and social movement, or revolution, as it may be better termed, in San Francisco. That solemn and irresistible rising of the masses for virtual liberty, will be recorded by the historian, and pointed out by statesmen and by philosophers as one of the most signal and instructive triumphs of an outraged people over men who had long violated the right of suffrage, usurped the powers of government, made the Constitution and law a farce, and polluted public morals. His life how short, yet how eventful! He beheld San Francisco rise like Venice, "a sea Cybele, fresh from ocean." In 1851, he beheld it the abode of crime, and was among the earliest and most effective of those who formed the celebrated Vigilance Committee in that year. But he never violated the laws of his country, and was always ready to uphold them even at the risk of his life. Many members of the old Committee remember how manfully he interceded for a suspected prisoner, before that body, and actually armed himself to defend him—believing that none but the vicious should be accused, and none but the guilty punished.

Who can forget his holy wars? No crusader ever engaged Mussulman beneath the walls of Jerusalem with

* For explanatory note, see Preface.

sterner resolution or more glorious chivalry, than he did the dastardly pests who for years had hovered like carrion crows over the decomposing elements of California society. No Kentucky rifleman ever sent the death messenger with an aim so sure as his, when, with steady nerve and fixed eye, he discharged the terrors of his pen at villainy, vice and corruption. There was no blanching in his features; no quailing in his heart. He knew well the dangers that surrounded him, but, inspired by the justice of his cause, he despised them all.

James King was born at Georgetown, District of Columbia, on the 28th day of January, 1822. He was of respectable parentage, and was one of the youngest of a numerous family. His father died in June, 1854, at the ripe age of eighty-three years. Mr. King received a liberal education, and proved himself an apt scholar. To the last of his life he was a student, eagerly seeking knowledge of every kind wherever it could be found. He had a fair acquaintance with the Latin classics, and was well read in the best English and American writers. In later years, he spoke fluently the French and Spanish languages, and was moderately acquainted with the German. About the age of sixteen he assumed the term "of Wm.," which was found to be necessary in order to distinguish him from a number of other James Kings then living at Georgetown. William was his father's name. Some men distinguish themselves from others of the same name by using the word "senior" or "junior," "1st," "2d," and so on. The same end was obtained, in this instance, by adopting the affix of "Wm." It is a custom in some parts of the United States, and particularly in Maryland, thus to take the father's given name as a portion of the son's.

When about fifteen years old, in 1837, Mr. King left the parental home to push his fortune. He went first to Pittsburgh, where he remained a twelvemonth, as clerk in a store. Afterwards he proceeded to Berrien and St. Josephs, Michigan, at each of which places he stayed a short time. Towards the close of 1838, becoming sick of fever and ague, he returned to Georgetown. The next

year he entered the Post Office there, as a clerk, where he served a few months. In the fall of 1839–40, during the Presidential contest between Mr. Van Buren and General Harrison, Mr. King (now "of Wm.") became connected with Kendall's *Expositor*, a Democratic campaign paper. His connection with that journal lasted for half a year, after which period he engaged for a few months on the Washington *Globe*. In 1841, he entered, as bookkeeper, the banking establishment of Messrs. Corcoran & Riggs, bankers in Washington. He remained in the employment of these gentlemen till 1848, when he determined to migrate to California. He was married in 1843 to Miss Charlotte M. Libbey, of Georgetown. About the time of Mr. King's departure for California, a gentleman who now resides in San Francisco called upon Messrs. Corcoran & Riggs, and asked the latter what he thought of Mr. King. "He is a very clever, steady sort of a man," said Mr. Riggs; "*but I don't believe he will ever set the Pacific on fire.*"

When Mr. King resolved to emigrate, the gold discoveries of California had not been made, or, rather, the news of them had not yet reached the Atlantic border. An elder brother, who had been engaged in Col. Fremont's expedition across the Rocky Mountains, had visited California in 1846, and had subsequently filled the mind of Mr. King with glowing prospects of the future greatness of the country. This brother was also in the expedition of Col. Fremont in 1848; and it was to meet him in San Francisco, in order that they might enter into business together, that Mr. King sought the shores of the Pacific. Unhappily, the brother perished during Fremont's disastrous trip of the year last mentioned. Mr. King left Washington in May, 1848, and an extract from a letter written to him by his brother while he was in New York waiting for the vessel to sail, shows the condition of things in California, immediately after the Mexican war. He writes:

"You must recollect that society is not formed yet properly in California, and as the population increases they will gradually form laws, adapted to their own peculiar circumstances. I think it

would be well to inform yourself of the situation of the country and of the rights of the people, for as soon as the treaty is ratified, public attention there will be at once turned to the establishment of a civil government." * * * I think it would be best to invest your money, or a portion of it, in a good rancho, and if you can purchase Joachim Estrada's, near the mission of St. Louis Obispo anyways reasonable, with the stock, do it by all means. Only have the title examined. This last advice I give upon the supposition that you would like an agricultural life. If you can buy a lot or a few yards of the Quicksilver mine you had better do it. The best one is about six miles from the Puebla San José, near Mr. Cooke's rancho. If you travel by land between San Francisco and Monterey, you will pass through San José, and it is but a short ride to the mine. Visit it by all means if you are in the neighborhood."

He left New York on the 24th of May, 1848, and in due time reached and crossed the Isthmus of Panama. From thence he could find no opportunity of proceeding direct to California. He accordingly sailed to Valparaiso, with the view of getting a vessel there bound for California.

The news of the gold discoveries had by this time reached Chile. He was ready to make the best use of the startling intelligence. He purchased some goods at Valparaiso, and hired nine Chilenos to proceed with him to the mines in California, and work for him for a specified time at fixed wages.

He reached San Francisco, November 10th, 1848, when every body in the place was in a fever of excitement. Six of the Chilenos immediately deserted him. With the three who remained he hastened to Hangtown, now called Placerville, and commenced mining. In three weeks time he found gold enough to pay all the expenses of his original large party from Valparaiso. Afterwards he went to Sacramento, and engaged in business with the mercantile firm of Messrs. Hensley, Reading & Co. He could not, however, be satisfied, while so fair an opening presented itself for the exercise of his proper profession of banking. In July of the same year he sacrificed large pecuniary interests which he had acquired in business, and left for the East to make corresponding arrangements there for the banking establishment which he proposed to form. He speedily returned to California, and

on December 5th, 1849, opened a bank in San Francisco, in a small frame building on Montgomery street, between Clay and Merchant streets, under the name of James King of Wm. This was one of the earliest banking houses in the city. Afterwards he built the brick building at the southwest corner of Montgomery and Commercial streets, which was long known as his banking house.

Mr. King was widely known as a banker over the whole State. He long carried on an extensive and lucrative business, and was universally respected as a man of the strictest integrity and the highest moral worth. His presence was an ornament to society, his friendship a prize which good men rejoiced to possess, and his personal acquaintance esteemed an honor by the most intellectual and influential persons. He was straightforward, earnest, practical and intelligent in all things. His wife, and their family of four children, rejoined him in 1851, and henceforth San Francisco became their home. He continued in the banking business until June, 1854. He had made so large profits in it that about the middle of 1853 he estimated his clear means at a quarter of a million of dollars. But riches take wings and flee away. He had entrusted large sums to a person to buy gold dust in the interior for him, when the agent, without his principal's consent or knowledge, invested the monies in a mining water stock. This unexpected speculation turned out ill. In the attempt to save some part of the original expenditure, Mr. King was induced to venture a great deal more money in the same stock, amounting in the end to about $100,000. All this proved a total loss to him. This unfortunate investment, and the depreciation of other stocks in which he was interested, induced him to close his bank. He did not *fail*, however, for he sacrificed all that he possessed, and paid his creditors to the utmost farthing. He even refused to retain the homestead allowed him by law. He turned over the water stock to the banking and express firm of Adams & Co. for literally nothing, (but out of which they afterwards cleared a considerable sum) transferred his banking business to them, and entered their establishment as managing clerk of the

banking department, at a liberal salary. No man could say that he lost one dollar by trusting Mr. King as his banker. He satisfied every obligation, and began to seek fortune anew.

On February 22d, 1855, Adams & Co. failed. The consequences of their failure were disastrous in the extreme to thousands of industrious persons in every portion of the State. Mr. King retired from the ruined firm without a shadow of stain upon his personal reputation. He had done his duty to his employers, and had acted in good faith and honorably towards the creditors. He was next to seek justice for them, or at least avenge them on their betrayers. After the failure of Adams & Co., and in March, 1855. he endeavored to create a new banking business for himself, but without success. Public opinion ran strongly against all banks, and general distrust was excited against making deposits in any. He had no capital but his good name, and that could not be coined into money to enable him to conduct the necessary financial operations. He was therefore obliged to close his establishment in the month of June following. He preserved his credit and reputation for personal probity, throughout; and nobody had yet sustained any loss through him. While diligently pursuing his profession, he ever sought to perform the duties incumbent on a good citizen. As foreman of the Grand Jury, and as a leading agent in whatever public and private movements were connected with the promotion of the peace, purity and prosperity of San Francisco, he rendered much valuable and effective service to the community.

It was the Grand Jury of November, 1853, of which he was foreman, that preferred a bill of indictment against the City Treasurer. For the fearless discharge of his duties Mr. King received much newspaper abuse, and a warning that if he did not desist, his life would be in danger. In reply to an abusive article published in a daily paper, after stating his reason for not more fully giving the evidence that was brought before the Jury, he says:

"I will say, however, that from the very commencement of proceedings against one of the parties accused, threats were made to the ef-

fect that if we found a true bill against that gentleman, at least five or six of us would certainly be shot, and that a certain newspaper in this city would be "down" upon us. * * * I have been called upon by several of my friends, and requested to arm myself against an attack. I have not and do not intend to carry any weapon. I shall have no fears for anything that may occur, and in conclusion will add, that, though I shall feel bound to defend myself as I can, if assaulted, yet I know my position *too well* to allow any threats or editorial remarks from a certain quarter to tempt me from my present position. I went on this Grand Jury with the greatest reluctance. During the whole course of my life, I have not absented myself so much from my business as I have during its session. I think I am within bounds in saying $2,000 would not repay me for that neglect. I asked to be excused, and the Judge would not do it; but fined me $50 for not being more punctual. The fine was afterwards remitted. I have endeavored to do my duty faithfully. I trust the public, even if it does not think as I do, will give me credit for my intention; but whether it does or not, I cannot cater to that public's taste to the violence of my oath. I have confidence in their sense of justice; whether they approve or dissent, I can meet the eye of any man living, and, what is sweeter still, am at peace with my own conscience, and can look around in my family circle and know that the mother and six little ones need not blush for me."

At the risk of a repetition of some of the events before narrated in this sketch, we shall proceed to give Mr. King's published statement of the relations that existed between Adams & Co. and himself: showing how he stood with them, and how earnestly he strove to prevent the failure which he saw would inevitably befall them unless they pursued a different business policy. Mr. King says, in answer to queries addressed to him through the newspapers:

"Through the imprudence of a banker at Sonora (who had been my cashier during nearly the whole of the years 1850–51, and in whose judgment and discretion I had the utmost confidence) a large amount of funds placed by me in his hands for the purchase of gold dust, was, without my knowledge, taken for the uses of the Tuolumne Hydraulic Association, of which he was the Treasurer. The stockholders refusing to ratify certain extraordinary expenses incurred by the Board of Directors, a suit was instituted, which was decided against the stockholders, and the canal was bought in at Sheriff's sale, to secure the debt. Unable to meet my call for funds, the parties in question did all they could, and gave me the entire works for security. Month after month I waited anxiously for the receipts, which did not, by any means, equal the anticipations of

those familiar with the work. During all this time I was a prey to the most agonizing doubts and fears.

For the first time in my life I was unexpectedly placed in a position where, in the event of a run, I could not possibly meet my engagements. No one that has not been similarly situated can imagine the agony I endured from day to day, and week to week, as I saw persons walk into my office and deposit money which, in the event of a panic, before I could turn my property into cash, I knew I could not return. I saw it all, felt it all, and dared not open my lips. I cared not about being poor. All I aimed at was to be able, at a moment's warning, to return what had been entrusted to me. I was afraid to attempt borrowing money, lest it should hasten the very crisis I wished to avoid. I consulted with a few friends, showed them my books, and asked their advice. "Why," said one of the firm of Page, Bacon & Co., "Mr. King, I don't see that you are as bad off as you represent; you are stronger than any banker in the street excepting, perhaps, Messrs. —— and Messrs. ——." "Then, heaven help us all," I replied, "for I don't see how I can get along without borrowing, and that would never answer for a Banker. The result of this conference was that I was offered, if needed, $50,000 by Page, Bacon & Co., and $50,000 by Mr. Haskell, of Adams & Co. As I hesitated about accepting this offer, one of the friends urged, among other things, that Mr. Haskell (of Adams & Co.) considered himself under obligations to me for the handsome manner in which I had managed their affairs at Stockton, where, by pledging myself for coin advanced them to aid their house, I had stopped the run at that point and saved the other country offices as well as the parent house here. That my commission as receiver would have amounted to a large sum, which I had refused to accept, and declining any compensation for my time and services, received back only the actual amount of my expenses—some $160, or $170. This decided me, and I told them I would call on them in case I needed any assistance. I set myself earnestly at the work of selling off my property, calling in loans, and converting everything into cash, when I received the following offer from Mr. Woods (of Adams & Co.) through Mr. Park: 1st. On my transferring to them a certain amount of property, part in cash, part in bills receivable, and the balance in certain pieces of real estate, they would undertake to assume all my liabilities of every kind, provided they did not in the aggregate exceed an amount before stated by me from memory. 2d. I should remain in their employ for the space of two years, for which they agreed to pay me the sum of one thousand dollars per month, and a certain per centage on the amount of their interest account, regardless of any losses or gains either on said interest or any other account.

I declined giving Mr. Park any answer until the offer was made in writing; which was done in the course of a half hour, and accepted by me without hesitation; for, though it left me penniless, it enabled me to meet all my engagements, and I was assured of their ability to advance the amount required without any detriment

to their own depositors. After the bargain was concluded, and whilst the lawyers were drawing the papers, Mr. Woods called on me, and asked how I liked the bargain. I replied, "Very much, indeed. And what do you think of it?" "Well," he said, "I like it so well that I would not undo it for $100,000." "And I assure you," I rejoined, "that even if I were sure your most sanguine expectations would be realized, I would not undo it for a like sum."

After receiving the details of my assets, Mr. Woods expressed himself highly pleased at the result, and said to a mutual friend: "King is entirely too honest; he underrated everything he had, and though he had become so disgusted with the canal as not to set any valuation at all on it, I am satisfied I shall make fron $100,000 to $150,000 out of it; and when I get through, we shall make King a present of $10,000 or $20,000. I am posted on canals, and he knows nothing about them."

Among the assets thus conveyed by me to Adams & Co., were:

The three story fire-proof Building, at the corner of Montgomery and Commercial Streets, valued at,	$36,000 00
Lot on Stockton Street, for which I had been offered,	7,000 00
Water Lot No. 273,	15,000 00
Three small Lots valued at $250, each,	750 00
Loan to Orphan Asylum, on mortgage,	500 00
Eighty Acres of Land on the County road, with dwelling-House, Barn, Carriage House, &c., and all the Stock thereon, as well as Furniture in the house,	8,000 00
Buggy, pair of Horses, Harness, &c.,	1,000 00
$1,000, of old Stock, Bradley, Berdan & Co., cost $1200,	1,000 00
$3,000, Plank Road Stock, at 55cts.,	1,650 00
$15,100, Central Wharf Stock, at 30cts.,	4,530 00
1st Class Bills Receivable, all since paid,	37,189 00
Debt of A. A. Cohen, since paid,	1,200 00
Over Drafts, since paid,	17,472 55
Fremont Drafts, since paid,	14,125 00
Cash,	49,548 87
	$194,965 42
To this should be added one good Note, payment of.... which, by request, was not pressed,	3,312 00
And the Loans made on Account, and by Note, as security for which, I held the Tuolumne Hydraulic Canal, which cost upwards of $350,000, and which I am now informed is paying $2,000, per month,	80,055 35
On which had accrued at the time I closed business, an average of about five months, interest, say	12,000 00

In addition to this amount of $290,332.77, I handed over sundry Bills Receivable, not considered good, amounting, to $22,580.15, but which were not counted at the time. The whole amount of my liabilities, here and elsewhere, amounted to the sum of $278,951.29.

From the *Bulletin* of November 3d, 1855, we take the following, entitled

To the San Francisco Public:

A Card over the signature of the Financial Conductor of the *Chronicle* newspaper, and which appeared in yesterday's issue of that journal, being the first effusion of that kind over the real name of the author, demands, I think, a notice from me. Passing over the abusive terms applied to me by the writer referred to, I come at once to the direct charges made against me by a man of whose person I am totally ignorant, with whom I am not aware that I ever yet exchanged a word, and of whose very name, until within the past week, I was wholly unconscious. And first, as to the charge of living extravagantly and beyond my means. I lived well, but, for my means, not extravagantly. My house was a good one. I aimed to have it such. It was not larger than I needed, and was furnished well, without having unnecessary display. Those who were in the habit of visiting there, will judge from the following table whether my style of living was beyond my means.

I made it a point to balance my profit and loss account once a month for the purpose of seeing how my affairs stood, and regulating my expenses accordingly.

The following table shows the net profit of my banking business, over and above salaries and all office expenses, for a series of months.

For the month ending	April	30, 1852,	.....	$6,591 56
"	May	31, "	.....	3,535 01
"	June	30, "	.....	4,183 08
"	July	31, "	.....	5,075 08
"	Aug.	31, "	.....	922 87
"	Sept.	30, "	.....	2,702 57
"	Oct.	31, "	.....	830 14
"	Nov.	30, "	.....	1,048 14
"	Dec.	31, "	.....	5,033 91
"	Jan.	31, 1853,	.....	1,619 48
"	Feb.	28, "	.....	3,726 35
"	Mar.	31, "	.....	2,695 92
"	Apr.	30, "	.....	970 34
"	May	31, "	.....	4,557 68
"	June	30, "	.....	524 31
"	July	31, "	.....	3,257 22
"	Aug.	31, "	.....	5,483 54
"	Sept.	30, "	.....	4,101 44
Oct., Nov. and to	Dec.	31, "	.....	4,104 89

Making for twenty-one months, the sum of $60,963 53

and an average for the whole period of $2,903.03 per month. This, be it remembered, was my income from my regular banking busi-

ness, and did not include my profits from sales of real estate, of which a separate account was kept. As to the "parties" alluded to by the proprietor of the *Chronicle*, I never gave but one during my seven year's residence in California. So much for the private affairs of a household thus unceremoniously dragged into the public prints by a man whom, so far as I know, I have never seen.

The next thing to be noticed is the charge of betraying the confidence reposed in me by the firm of Adams & Co., in whose employ I once was. This charge I fully answered in my letter to I. C. Woods, dated the 26th of July last, and published in the *Sun* and *Alta*, wherein I showed that, notwithstanding the quarrel then going on between Woods and Cohen, on the one side, and myself on the other, I *refused* to give any information about matters obtained by me whilst in their employment, and preferred the loss of my best friends rather than betray the trust. When announcing my determination to Mr. Woods, I said: "This sir, is the most painful duty I ever had to perform. My honor forces me to keep your secret, whilst by so doing I am sure to lose my best friends, and you and Cohen, my worst enemies, knowing the dilemma in which I am placed, chuckle with delight at the pain that decision gives me." Profoundly ignorant of the rascality of Woods, that has since been told me, I never opened my lips to any one about the private affairs of Adams & Co., until the attorney of one of the partners (Mr. Adams) asked for a statement of what I knew about the business of the firm, and I told everything I knew to that partner, because he had a right to know it.

The public have already been informed of the causes which led to my employment by Adams & Co. After completing the changes necessary to the system of accounts introduced by me into that office, I set myself to work to find out, as far as the books in my possession would show, what the real condition of the house was, and soon made up my mind it was insolvent. I immediately reported the fact to Mr. Woods, who at first affected to laugh, and then becoming seriously alarmed, asked me what I meant? I replied: "to discharge my duty to my employers, and by warning you, sir, of the condition of the house, if possible, save it from ruin, and its depositors from heavy losses." The result of that conversation was, that he promised to sell off what property the firm owned, and convert everything into cash; to allow me to reduce the amount of bills receivable to the extent of two or three hundred thousand dollars; to build no more offices and buy no more property; but to sell off his ranch, as well as all his other private "property" so called, and generally take the measures proposed by me for placing the house in a condition to meet any crisis that might arise. Had Mr. Woods adhered to my advice, the house would have been in far better condition to stand the crisis that awaited it. But every move I made for the good of the house was thwarted by a contrary one on the part of Mr. Woods. With all the exertions I could make, it took me nearly a whole month to reduce the loans $60,000, and in *five minutes*, Woods had arranged for loans to the extent of

$125,000. *What could I do?* I was but a clerk; he the sole partner resident here.

The question now arises naturally, why it was, when I discovered the house was insolvent, I did not resign and leave it? My answer is, that by contract I was bound to remain with them for the space of two years, and could not get away. In addition to this, let me ask what *good* could I have accomplished by leaving the firm in the lurch, as it were, and in so doing alarm some of the depositors and hasten the ruin? By remaining I not only fulfilled my contract: but as Woods spoke of going to the Atlantic States, I had some hopes of having more power placed in my hands, and with him out of the way, might possibly save the house.

On the 17th of July, 1855, Mr. ———, now a very wealthy citizen of San Francisco, with whom Mr. King had been on hostile terms, and the latter met on Montgomery street, opposite Barrett & Sherwood's jewelry store, and a few words ensuing, the nature of which was unknown to any beside the parties themselves, Mr. King struck ——— several times about the head and shoulders, and considerably worsted his adversary. This led to the following challenge by Mr. ———, and reply by Mr. King.

SAN FRANCISCO, July 17th, 1855.

To James King of Wm.,

SIR:—I hereby demand satisfaction from you, for your conduct toward me this afternoon. I refer you to my friend.

Your obedient Servant,

———

SAN FRANCISCO, July 18th, 1855.

Mr. ———,

SIR:—I now proceed to give you my reply to the note you handed me last night. And first, waiving other insuperable objections to the mode indicated of settling such difficulties, I could not consent to a hostile meeting with Mr. ———. The public have already been fully advised of my estimate of his character. The relative positions of Mr. ——— and myself are entirely unequal in worldly fortune, and domestic relation. He is understood to be possessed of an abundant fortune. In the event of his fall, he would leave ample means for the support of his wife and child. Recent events have stripped me entirely of what I once possessed. Were I to fall, I should leave a large family without the means of support. My duties and obligations to my family have much more weight with me than any desire to please Mr. ——— or his friends, in the manner proposed. I have ever been opposed to duelling on moral grounds. My opinions were known to Mr. ———, and when he addressed me the note which you had the impudence to deliver,

he was well aware that it would not be accepted or answered affirmatively. That fact is sufficient to demonstrate his contemptible cowardice in this silly attempt to manufacture for himself a reputation for "chivalry."

Whilst nothing could induce me to change my principles upon the subject of duelling, my conscience is perfectly easy as to my right and the propriety of defending myself should I be assaulted.

Do not flatter yourself, sir, that this communication is made out of regard either to yourself or to Mr. ———. I write this for publication in the newspapers. I avow principles of which I am not ashamed, and shall abide the result. JAMES KING OF WM.

This was the first instance in the history of California that any one had had the moral courage to refuse to fight a duel when challenged; and among other evidences which Mr. King received of the high appreciation which the better class of society placed upon his conduct, was the following communication addressed to him, which was signed by many of the prominent business men of the city.

James King of Wm., Esq.,

SIR:—Your fellow citizens, whose names are subscribed to this letter, desire to express to you their admiration of the moral courage and sound principle manifested in your refusal to accept the challenge of Mr. ———, to meet him in a duel. We believe that the so-called code of honor which requires all who consent to be governed by it to submit every injury, insult, misrepresentation or misunderstanding to the decision of the pistol or the knife, to be in violation of the law of God, and of the laws of this State, and of those sacred obligations which a man owes to his family, his relatives and dependents, and to society.

We are convinced that if an expression of the sentiment of this community could be had upon this subject, a very large majority would be found to view with abhorrence the risking of life for insufficient cause, and often upon a mere punctilio; and that we express the feeling common to them, as well as ourselves when we thank you for the bold, manly, and uncompromising manner in which you have refused to sanction the practice. With the expression of an earnest hope, that if no higher principle should govern our fellow citizens, a regard for their interest may soon induce them to see to it that good laws well administered shall in future save us from violence and bloodshed; and with assurances of our high esteem and regard, we remain, Your obedient Servants.

(Here follow some seventy signatures.)

On the 8th of October, of the same year, Mr. King started and edited the *Daily Evening Bulletin*, a newspaper

which suddenly rose to the most unbounded popularity, and which has had a wide sway, and exercised a great influence over the community. As stated by himself, the problem to be solved at the establishment of this paper was: "Would the San Francisco public sustain a truly independent journal—one that would support the cause of morality, virtue and honesty, whether in public service or private life, and which, regardless of all consequences, would fearlessly and undauntedly maintain its course against the political and social evils of the day?" The answer *Yes!* was soon and loudly made, and enthusiastically echoed from every town and mining camp in the country. The services rendered by James King of Wm., in the *Bulletin*, to the cause of political integrity, and public and private morals, will never be forgotten by the people of the State. He attacked the vicious and criminal wherever he found them. Corruption in high places met in him a relentless foe.

A notorious and professedly banking house, but which was virtually a political institution, that had long overridden the Constitution, and made and unmade—against the will of the people, and by the most disreputable means—nearly every officer of the city and State, was assailed by the *Bulletin* in regular form; and its corruption, its insolent and dangerous usurpation, and at the same time its inherent weakness, exposed. The wrongers and swindlers of the unfortunate creditors of Adams & Co. were pitilessly attacked and held up to the scorn and detestation of the people. The demoralizing system of bestowing Federal, State and city appointments chiefly on professional gamblers, duelists, rowdies and assassins—on the debauched, illiterate, idle, criminal, and most dangerous class of the mixed population of the country—was forcibly pointed out and indignantly condemned. A high standard of honesty was laid down for all public men. The law's cruel delay, the baseness and corruption of its ministers, the dishonorable professional conduct of leading pleaders in the courts, all were made plain to the honest and unsuspecting, and properly stigmatized. In short, the glaring evils of the body politic, the denial and

perversion of justice, and the unworthy personal character and incapability of the general class of men who held office, or who were connected with the courts of law, were loudly and unsparingly denounced. Mr. King did not waste his energies by uttering smooth, general homilies on evil doings; he struck directly at the evil-doer. If a man whose conduct required to be publicly exposed were really a swindler, a gambler or duelist, a common cheat, a corrupt judge or a political trickster, the *Bulletin*, standing alone in this respect among the timid, time-serving or bribed city press, dared so to style him. But not only did Mr. King, in his paper, expose scoundrelism, vice and crime, and smite their votaries wherever he detected them; he also endeavored, and not in vain, to aid in whatever could restore and strengthen the moral tone of society. He urged the decent observance of the Sabbath; he recalled public attention to the plainest and most necessary dictates of religion; he encouraged the establishment of public schools, and dwelt on the blessings of a sound and liberal education; he frowned on gambling, dueling, and willful idleness; he sought to soothe and reinspire the desponding who had the desire but lacked the opportunity, and especially the energy and perseverance, to earn a living by the sweat of their brow; he strove to free the city from the unblushing presence of the lewd who had so long assumed insolently to follow, if not often to lead, the virtuous and decent portion of the community. The political knave, the dishonest office-holder, the gambler, swindler, loafer and duelist, the base class of lawyers—in brief, the vicious, lewd and criminal of every kind, were in consternation; their unhallowed practice and gains were disappearing.

A conspiracy was formed: and the end of it all was the public assassination of this brave champion of the people's rights. The conspirators resolved and swore to secure impunity to the guilty doer. A base, illiterate man—a convicted felon, who had served a sentence of imprisonment in Sing Sing penitentiary, but who yet held a high municipal office in San Francisco, into which he had been stuffed by ballot-box fraud—was the wretched

tool of the secret murderers. The professed cause of the deed was that James King of Wm. had told the *truth* concerning him.

The circumstances attending the assassination, and the events which followed, will ever appear as fixing a grand epoch in the history of California, and from that day will date the regeneration of public virtue, if not also of private morals, in the State.

Mr. King was taken unawares, and deliberately shot down, about five o'clock on the afternoon of Wednesday, the 14th day of May, 1856, on the public thoroughfare, near the northwest corner of Montgomery and Washington streets. A ball, fired from a navy revolver, entered the left breast and passed through his body. After lingering in much pain, and for some time affording strong hopes of recovery, he gradually sank, and died of the wound shortly after one o'clock on the afternoon of Tuesday, the 20th of May.

His death was universally regarded (except by the miserable faction whom he had pursued) as a national calamity, and every honor that a grateful people could bestow was heaped on his memory. A public subscription, amounting to nearly $32,000, was raised throughout the city and State, and presented to his widow and family of six children. He was thirty-four years and a few months old when he died. His was a tall, well-proportioned, manly form. The keenness of his eyes, his handsome black beard, and the noble expression of his countenance—the index to his heroic character—were vividly remembered by all who saw him but only once. His body lies buried in the Lone Mountain Cemetery, mid-way between the city and the ocean.

On the afternoon of Thursday, the 22d day of May, the assassin, James P. Casey, was hanged before a vast multitude by the Vigilance Committee. At the same instant of time that a solemn dirge was being chanted over the dead body of the victim, previous to the funeral procession leaving the old Unitarian Church, on Stockton street, for the cemetery, the murderer was struggling with death. That day, May 22d, 1856—in which also news

reached San Francisco of a dreadful railway accident on the Isthmus of Panama—was one of manifold horrors to the citizens.

Among the numerous tributes offered to the memory of James King of Wm. were the following verses, written by W. H. Rhodes, Esq., (better known by the *nom de plume*, "Caxton,") which were appropriately set to music by Prof. Rodolph Herold.

"He Fell at His Post Doing Duty."

The patriot sleeps in the land of his choice,
In the robe of a martyr, all gory,
And heeds not the tones of the world-waking voice,
That cover his ashes with glory.
What recks he of riches? what cares he for fame,
Or a world decked in grandeur or beauty?
If the marble shall speak that records his proud name,
"He died at his post, doing duty!"

The pilot that stood at the helm of our bark,
Unmoved by the tempest's commotion,
Was swept from the deck in the storm and the dark,
And sank in the depths of the ocean.
But little he'll grieve for the life it has cost,
If our banner shall still float in beauty,
And emblaze on its folds, of the pilot we lost,
"He died at his post doing duty!"

The warrior-chieftain has sunk to his rest—
The sod of Lone Mountain his pillow;
For his bed, California has opened her breast;
His dirge, the Pacific's sad billow!
As long as the ocean-wave weeps on our shore,
And our valleys bloom out in their beauty,
So long will our country her hero deplore,
Who fell at his post doing duty!

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J. Thacker

JOSEPH C. TUCKER.

By William Y. Wells.

It is impossible to look back upon the history of California during the last twenty years, without recognizing the influence of the learned callings in the development of the State; and this has been particularly the case as regards members of the medical fraternity. Not only in an intense application to the details of the profession has this been seen, but men of classical education have been a potent element in the progress of communities—in their political, scientific and general advancement. This is owing, not more to the energy essential to the successful physician, than to the direction which the eventful circumstances of the early days gave to character, which, among less exciting surroundings, might not have produced the impatient, practical activity distinguishing men of scholarly attainments in this new field of adventure. Numbers of valuable institutions on the Pacific coast have originated in the sagacious counsels and well-directed efforts of physicians. A principal among these promoters has been the present surgeon of the U. S. Marine Hospital at San Francisco, Dr. J. C. Tucker, who, perhaps, more than most other men, has given an impulse to sanitary legislation in California, while, at the same time, his influence has been felt in a wide variety of useful public enterprises.

Dr. Tucker was born in 1828, in New York city, where the family name ranks among the oldest in the State. His grandfather, father, and only brother, the Hon.

Gideon J. Tucker, late Secretary of State, and present Probate (Surrogate) Judge of New York, have all been actively prominent men. He commenced the study of medicine under Doctors Robert M. Cairnes and Willard Parker, and graduated in 1848, taking the degree of M. D. in the old Crosby street Medical College in New York. He early excelled as a student in surgery, having a firm, bold hand, and inflexible nerve. About the time he obtained his majority, the famous suit (well remembered in legal annals) respecting the will of his grandfather, Hon. Gideon Tucker, and involving one of the largest properties in New York city, was decided against the grandchildren.

The hope of bettering his fortunes, together with the fascinations of the gold discovery, impelling him towards the newly-acquired California, he embarked in January, 1849, as surgeon in the ship *Tarolinta*, for San Francisco, where he arrived on the first of July following. The company in which he was interested sensibly following the then general rule, dissolved, and the Doctor visited the gold regions, leading the life of a miner, and working in the placers of the American river until the ensuing winter, when we find him practising his profession in Sacramento city. The "Gold Lake" excitement in the following spring carried him into the mountains, with innumerable other ardent young adventurers, in quest of alleged marvellous deposits of gold; but detained at the foot-hills of the Sierras by impassable snow fields, the party encamped at Bidwell's Bar, where the Doctor profitably occupied himself in surveying and running the present town limits with chain and compass, and erecting upon the most desirable site the first house—the Empire Hotel.

Returning to Sacramento, he organized a second expedition in search of the Gold Lake myth, which, after wearisome and perilous adventures among the pathless mountains, resulted in the dissolution of the company and the return of its members in great destitution. The existence of this fabulous mine of wealth, however chimerical it may now appear, was at that primitive time firmly believed in, and the search was prosecuted by hundreds from

various points, lured by the charm of novelty, and the mystery that yet hung over the snowy solitudes, where, as the adventurers not unreasonably conceived, immense treasures might exist, which were the sources of the rich placers in the regions below. Returning, the Doctor found his way to Dobbin's Rancho, on the Yuba river, and located a large tract of land, with a log trading house, where the "Keystone Rancho House" now stands. Discovering through the Indians with whom he traded, the first dry gulch diggings known in that vicinity, he quietly employed them in obtaining a large amount of gold dust before their existence became known to other white men. Selling his fine estate, now worth a fortune, for $1,000, the Doctor, tired of his lonely mountain life, returned to Sacramento city, where he resumed the practice of his profession.

In 1851–2, he was elected to the Assembly. During both of these terms he took a leading part in various exciting issues, embracing most of the important questions of that period. He was identified with what was called the anti-Broderick wing of the Democracy, and was known as the friend of Gwin, Weller, Denver, and other leaders of that branch of politics. He was also an early friend and companion of Col. Fremont. By his persuasive eloquence and unobtrusive managing talent among his fellow-members, he was a recognized power in directing the course of legislation. During the memorable session of capital removals, he framed, introduced, supported in strong argument, and finally passed the first bill providing for the State care of insane persons. The bill, as drawn by him, proposed to locate the Asylum on the high lands near San Francisco, within the influence of the sea breezes; but political considerations, and swapping upon the then pending Senatorial contest, carried it to its present unsuitable and malarious location at Stockton. Prominent upon the Legislative State Hospital Committee, the Doctor then, as ever since, devoted himself almost exclusively to politico-medical subjects. He was elected at the close of the session to the position of State Quarantine officer. Immediately following his appointment came the

first visitation of small pox to California, and although less fatal than the subsequent one of 1869, there were at one time upwards of two hundred cases of it in the Quarantine Hospital under his charge.

When the State hospitals were abolished, in 1854, and each county was required to provide for its own sick, Dr. Tucker was elected by the municipal government of San Francisco its city physician. He was a prominent and successful member of the profession, and was an intimate friend of, and adviser with the lamented Dr. H. M. Gray—the two young practitioners having commenced their professional career about the same time, in New York. They usually acted together in the meetings of the California State Medical Society, and of the Medico-Chirurgical Society of San Francisco, of both of which Dr. Tucker was Vice-President, as he was also of the State Medical Society of New York.

He became connected, in the spring of 1855, with an enterprise which, for a while, was to give a new direction to his energies. The writer of the present sketch had lately returned from Central America, where, during his sojourn in Honduras, he had secured from the government of that Republic important mining and commercial privileges, embracing the exclusive right to navigate certain rivers; to export and import goods free of duty, to establish trading posts along the coasts and mahogany-cuttings in the interior; together with valuable concessions of lands and gold and silver mines in the department of Olancho, which were exempted from the taxes and exactions customary in that country. There was a dash of romance and adventure in the affair that naturally attracted the attention of the Doctor, whose broad views and keen perceptions foresaw in this enterprise the possible extension of our institutions into the Spanish American Republics, and their eventual annexation to the United States. The grants which had been procured after long and patient negotiation, were taken to New York, and at once attracted the attention of capitalists by their extraordinary liberality and extent. Together with the Honduras Inter-oceanic Railroad grant made by

the same government to Mr. E. G. Squier and his New York associates, it was seen that these concessions were virtually a transfer of the Republic, with its vast mineral and agricultural resources, to the two companies, thus establishing an association, resembling, in many respects, the English East India Company. Throwing his whole energies into the new channel, Dr. Tucker repaired to New York, and in the spring of 1856, in connection with this enterprise, he was appointed, by President Pierce, U. S. Consul General and Commissioner, with special powers, to the Government of Honduras.

In the meantime, General Walker, the afterwards celebrated filibuster, availing himself of information obtained from the writer hereof, had raised a party of adventurers, and landing in Nicaragua had espoused the cause of the Liberals there, and virtually obtained possession of the country. The adjoining Republics, alarmed at this irruption of Anglo-Saxons in their vicinity, were naturally suspicious of Americans. Dr. Tucker, albeit armed with the credentials of his diplomatic mission, was subjected to infinite annoyances and hostilities by petty officials on his route from San Juan del Norte among the secluded populations of Nicaragua and Honduras, to which were added the dangers and vicissitudes of a lonely journey through dense forests and uninhabited regions, across formidable rivers, swollen by tempests, and among the gloomy defiles of the Central American Cordilleras. On more than one occasion attempts were made to assassinate him, instigated by the jealousies of the local authorities in Chontales and Segovia, who had been apprised of the approach of his little cavalcade, and associated it with the Nicaragua filibusters. By the exercise of address and vigilance acquired by an early familiarity with mountain life in California he eluded these dangers, and reached the city of Tegucigalpa in May. Thence he proceeded to Comayagua, the capital of Honduras, where the newly-elected and reactionary Indian President Guardiola refused to recognize him under the pretense that his credentials were forged. Argument would have been useless and resistance foolish. To attempt to prove the

authenticity of his papers would have been undignified. The commissioner, therefore, decided to leave the country, and reaching Omoa, a small port on the Caribbean Sea, he chartered a coasting vessel and embarked for Truxillo and Havana, whence he returned to New York, arriving in June, 1855, thus terminating a series of adventures of continuous excitement and peril. Although the mission was a failure as far as its legitimate objects were concerned, the Doctor obtained much interesting knowledge of the American tropics, one of the wildest and most unfrequented portions of which he had penetrated. The peculiarities of a strange and decadent race, living in the primitive simplicity of by-gone centuries; the majestic symmetry of the volcanoes, clothed to their summits with verdure; the mysterious solitude of the forest; the splendid plumage of its denizens, and the fantastic shapes and gaudy hues in which tropical Nature robes herself, indelibly impressed themselves upon a mind keenly sensitive to such influences.

Mr. Marcy, then Secretary of State, already sufficiently embarrassed with the Walker raid in Nicaragua, found it convenient to overlook the insult to the American flag implied by the non-recognition of his special commissioner, and the latter had the good sense not to weary the Secretary with pertinacious applications for redress, although he had been a heavy sufferer pecuniarily. The important commercial results which had been anticipated from the Olancho enterprise were never realized, owing to the fears engendered by the devastations committed by Walker's filibusters; and a government which had been on the eve of placing itself permanently as a protectorate under the United States, with a view to ultimate absorption by us, withdrew into its customary seclusion imbued with a deep-seated distrust of American faith.

Dr. Tucker returned to California in 1857, having been appointed by the Secretary of the Treasury U. S. Examiner of Drugs and Medicines in San Francisco. While holding this official position, he imported at his own expense a magnificent laboratory, and applied himself closely to his favorite study of analytical chemistry. His atten-

tion being called to the advantages of a cheap and efficient substitute for bone-black in discoloring sugar liquids, he after many experiments perfected and patented the process now universally used in sugar refineries, of hydrated alumina. In connection with the sale and employment of this patent he visited the principal sugar refineries in the United States and Cuba.

Visiting New York the following year, on official business from California, he resigned his position in Washington, and accepted that of Deputy Secretary of State of New York, which in turn he resigned in December, 1859, and returned by the Southern Overland Route to San Francisco to carry out an enterprise which he had long had in contemplation—building street railroads. At the session of the Legislature of 1861, the bill incorporating the "North Beach and Mission Railroad," which he had proposed, was introduced; and at once encountered the venomous opposition of rival companies, lobby members and interested parties in San Francisco. The war was virulent and bitter. The progress of the bill was fought at every step, its passage impeded in each branch of the Legislature, and the most strenuous efforts made to obtain the Executive veto. It was urged that the project was a mere swindling job, and would be no accommodation to the traveling public. Signatures to petitions against the railroad, were industriously hunted up by agents hired to manufacture opinion hostile to the "infamous Tucker Bill." To meet objections raised against the road through so narrow a street as Kearny, he drew up, and caused to be offered, a bill providing for the widening of that street. This proposition, now so successfully consummated, brought upon his head anew the anathemas of the property holders along the route. Although opposed and discouraged by those who should have aided him, he persevered, finally organizing and building the now most prosperous railroad in the city—its passenger traffic far exceeding that of any other, thus proving it to have been a work of the first public utility.

About this time his health failing him, Dr. Tucker took the position of Surgeon on the Nicaragua Steamship

line. Visiting New York again in 1863, he married the lady to whom he had become engaged while in Havana, three years before—the daughter of Albert Havemeyer Esq., of New York, and returned to California. Having some mining interests on the Comstock vein, he went to Virginia City, Nevada, and being offered the care of the hospital at that place, remained and entered into a large and lucrative practice, holding at different times the positions of Physician to the State Insane Asylum, Coroner of Storey County, and City and County Physician of Virginia. Here, when cutting and shooting were daily occurences, he performed many bold and successful surgical operations. During the war, as Commissioned Assistant Surgeon U. S. A. at that post, he had charge of the Barrack hospital and examination of recruits, and always has been, in act and word, an undeviating friend to the Union.

In the spring of 1865, with his family he left Virginia City and passed the summer in the East. Shortly after his return to San Francisco the ensuing fall, he was appointed by President Johnson, Surgeon of the U. S. Marine Hospital, a position he still holds to the satisfaction of the authorities at Washington. At the time of the memorable earthquake in October, 1868, being then in charge of this hospital, his utmost presence of mind was called into requisition. The structure, one of the largest in the city, was racked and shattered. As there was every indication that the hospital would fall under repeated shocks, he took the responsibility of removing the patients to safer quarters at his own expense, a procedure which was approved by the Department at Washington, and the building was subsequently condemned by the government architects.

Another of his projects of public beneficence was the purchase of a valuable tract of land in Alameda, on the opposite side of the bay from San Francisco, where in the spring of 1867, he established a private Insane Asylum. Conducted on humane and philanthropic principles, it has proved a blessing to the afflicted, where in many cases, delicacy seeks for that shelter in a private institution which a public State establishment cannot afford. The

Doctor, in his leisure hours, has indulged a taste for mechanics, and among other trifles obtained a patent for a machine sewing simultaneously two seams, or parallel rows of stitching.

Our sketch must necessarily be confined to mere brief allusions to the many public measures of which Dr. Tucker is the originator. His life has been one of continual activity, and the talisman of his uniform success is to be found in the happy combination of an affable address with great persistency of purpose, and an intuitive knowledge of men. He had hardly become of age when he arrived in California, but his intrinsic merits speedily raised him to an eminence seldom reached except through painful toiling and experience. A nervous restlessness of temperament, and the courageous, almost reckless, spirit of adventure which has ever impelled him to rapid achievement in a multiplicity of enterprises, is not at first apparent under a quiet, unaffected exterior. His tastes at once refined and manly, are equally displayed in art subjects and yatching, in which latter amusement he is an enthusiast and skillful amateur. As a friend, he is faithful and companionable. Entertaining in conversation, he is, as well, a forcible writer, having been a frequent contributor to the press, generally on scientific subjects, and wielding, like his brother in New York, a vigorous and caustic pen. Enjoying an enviable popularity, surrounded by the most charming domestic influences, and having earned by years of public service the confidence of the government, his usefulness in the future promises to be as positive as his power for good has hitherto been wide-reaching and acknowledged.

EDMUND RANDOLPH.

By William H. Rhodes.

A name radiant with revolutionary glories, a lineage famed for great men in great causes, for more than five generations. Edmund Randolph was born in Virginia in the year 1818, and died at San Francisco at the early age of forty-two. He was an offshoot of the Virginia Randolphs, and inherited the chief traits of character of those extraordinary men. His father, grandfather, and great grandfather, were lawyers, and he himself early studied the same profession. He was liberally educated, having graduated at William and Mary's College shortly before settling in New Orleans, where he read law, and received the appointment of Clerk of the Circuit Court of the United States for the Circuit of Louisiana. During his residence in New Orleans, he married the daughter of a leading physician of that city, Dr. Meaux.

He continued to practice law until the news from California woke up within him aspirations of a broader usefulness and a loftier ambition than he could gratify at home; and early in 1849 he turned his eyes towards the West, and reached these shores in the course of that year. Before he left New Orleans, he began to exhibit talents of a very superior order, both as a learned lawyer and an eloquent advocate, and gave promise of those splendid attributes of a finished debater that lifted him above all competitors. He had scarcely landed in Cali-

fornia ere he was elected a member of the lower branch of the first Legislature that convened under the State constitution.

But his heart was not in politics. His mind looked more lovingly at the honors of his profession than towards those gathered in the political arena. He was very often importuned by those most intimately acquainted with him, and who knew his great parts, to permit his name to be used in connection with high legislative offices in this State, but always ineffectually. He became a partner of the noted lawyer, R. A. Lockwood, Esq., and of Frank Tilford, and the firm soon led the ranks of the profession in the city of San Francisco.

One of the most significant acts of his life was his opposition to the first Vigilance Committee in this city, in 1851. He publicly and boldly denounced that organization, its leaders, abettors, and sympathizers; and so terrible became his anathemas that a sub-committee from that body was appointed to wait upon him and Mr. Lockwood, and request them to cease their denunciations, or quit the city. The reply received by the parent committee was such that the request was not renewed, *nor the penalty imposed.*

Edmund Randolph hated oppression, fraud, cruelty, and wrong, with a vehemence that bordered upon sublimity. It looked, to some of his more prudent friends, like a species of insanity. In the argument of his cause, if the testimony brought out any fact that threw a suspicion of corruption upon his opponents, the floodgates of his soul were at once opened, and he broke forth in a torrent of indignant eloquence that bore away every impediment in its course. But his heart was just as susceptible to the kindlier emotions, and he would plead the cause of innocence with a tenderness and sincerity that drowned his audience in tears.

His familiarity with the early history of California gave him great advantages over most of his brethren at the bar, and he was usually retained in all the important suits where such knowledge was most valuable. It was this superiority, as much perhaps as his fame as an ad-

vocate, that secured for him a retainer in the *cause celèbre* of the United States *vs.* Castillero; usually known as the New Almaden Quicksilver Case. The trial of this stupendous suit—for it was gigantic in all its parts: in the amount involved, in the principle at stake, in the number and reputation of the counsel employed, and in the length and duration of its various sessions—was the acme and the flower of his fame.

Titans were all around him. Judah P. Benjamin, the greatest civilian in the United States, was his chief opponent. At his right hand sat Reverdy Johnson, the worthy successor of William Pinckney at the Baltimore bar; on his left, the no less renowned champion of the Philadelphia forum, Edwin M. Stanton, his coadjutor in the cause. The most noted men of the coast were his auditors. He rose fully up to the dignity and importance of the occasion, and vindicated his right to be there. Indeed, for a full mastery of his case in all its bearings, for varied and useful learning, for quick and unsleeping vigilance, for powerful and splendid oratory, and above all for success, he was not surpassed by either of the great advocates about him. The government took the wise precaution to have the entire proceedings reported and printed. They form in themselves almost a whole library on the subjects discussed; and he who would study the ancient mining codes of Spain and Mexico, and consequently of California, cannot find so rich and exhaustive a treatise in any other repository. But the most precious portions of that vast magazine must be sought in the speeches and arguments of Edmund Randolph. His early indoctrination into the Justinian Code, which indeed has formed the *substratum* of the jurisprudence of all Europe, except England, for two thousand years, fitted him peculiarly for the task before him. But to this he superadded perfect familiarity with the modern codes of Spain and Mexico, in the original tongue; and thus armed, defied the entire arsenals of his opponents. No other cause has ever attracted so much attention on this coast, and it is quite safe to assert that none henceforth ever will. It forms the most en-

during monument to his fame, and like the trial of Warren Hastings, constitutes an epoch in judicial history.

The efforts of Mr. Randolph in the Castillero suit were so untiring and self-sacrificing that they left him with a weakened constitution and an incipient disease. Aggravated by two or three other conflicts at the bar hardly less laborious, it soon assumed a dangerous aspect, and he became conscious, when too late to remedy the disorder, that pulmonary consumption had set in. Brave, buoyant, and hopeful to the last, he fought his distemper with the same fortitude that he ever exhibited in his great moral combats, but unfortunately with less success. He continued to fail monthly until the fatal day approached (September 8th, 1861); then folding his arms in mute but dignified repose, he slept with his fathers.

The annals of California do not furnish a more brilliant name than that of Edmund Randolph. His historical studies can be best appreciated by consulting the case above named, and by a perusal of his ADDRESS TO THE PIONEERS, portions of which follow this sketch. This was afterwards republished in pamphlet form, and is an indispensable adjunct to a correct knowledge of the subject.

Towards the close of Mr. Randolph's career, he was prevailed on to make a few political speeches, especially in the great conflict between the Lecompton and anti-Lecompton wings of the Democratic party. In this controversy he warmly espoused the cause of Douglas, in opposition to the then President of the United States, James Buchanan; and in 1859 was defeated as the anti-Lecompton candidate for Attorney General of California. But as the country was evidently drifting into war—a war of sections, a fight for supremacy betwixt North and South—true to his hereditary instincts, to the home of his youth and to the land of his nativity, he did not, could not hesitate where he was to be found. He bitterly opposed the successive measures of the Lincoln administration, and denounced them with terrific energy. His whole soul seemed to become one vast volcano of molten rage, and he spoke more vehemently than ever before

during his whole life. The last speech he ever delivered in public was perhaps the greatest proof which he ever displayed of his power of language when aroused. It was delivered at Sacramento on the 5th day of August, 1861, and on the 8th of September following he was no more.

The writer of this sketch was present at the time the speech was delivered, in company with the late Judge Baldwin of the Supreme Court. During the mid-day recess of the Court, we strolled into the Democratic convention then in session, and reached there just in time to witness the terrible invective of Mr. Randolph—concentrating in itself the fury of an inflamed patriot and the frenzy of an inspired prophet. The tone, the gesture, the action, the expression of lip and eye, can ne'er be forgotten. "Great God!" exclaimed Judge Baldwin, "did you ever hear eloquence like that? Randolph seems to be on fire." And so indeed he was. But the flame was the last flickerings of life's candle. The intensity of the passion, uttered in half hysteric shrieks, overcame the shattered bulwarks of a constitution almost gone, and from that hour he sank rapidly to the tomb.

Bitter as were partizans at the period when he died, no one could find it in his heart to censure the dead Virginian in his grave. Even his political foes paused over his remains, and gave a tear to the splendid genius and the brave heart that had perished. All men believed in his sincerity, and knew but too well that if he loved the Federal government less than his native Virginia, it was the fault of early prejudices, the bias of political training, and the recollections of ancestral partiality. In the grave, the fault—if fault it be—lies buried. Amid the dazzling effulgence of so much to commend and so little to reprove, we can well afford to pardon one slight speck upon his fame.

In domestic life, Mr. Randolph was eminently blest. His wife sympathized with him in all his toils and all his triumphs. She still survives him, with a bevy of beautiful children, whose inheritance, though it were a throne, could not be greater than that which they now enjoy—the heritage of their father's glory.

Address, by Edmund Randolph,

ON THE HISTORY OF CALIFORNIA, DELIVERED BEFORE THE SOCIETY OF CALIFORNIA PIONEERS, AT THEIR CELEBRATION OF THE TENTH ANNIVERSARY OF THE ADMISSION OF CALIFORNIA INTO THE UNION, SEPTEMBER 10TH, 1860.

Pioneers:

From the importunities of the active Present which surrounds us, we turn for a brief space to the Past. To-day we give ourselves up to memory.

And first, our thoughts are due to those who are not here assembled with us; whom we meet not on street or highway, and welcome not again at the door of our dwellings; upon whom shines no more the sun which now gladdens the hills, the plains, the waters of California: to the Pioneers who are dead. To them, as the laurel to the soldier, you will award the honor of this triumph, marked by the marvellous creations which have sprung from your common enterprises. To them, you will consecrate a success which has surpassed the boldest of the imaginations which led you forth, both them and you to a life of adventures. Your companions died that California might exist. Fear not that you will honor them overmuch. But how died they, and where do they repose—the dead of the Pioneers of California?

Old men amongst you will recall the rugged trapper; his frame was strong; his soul courageous; his knowledge was of the Indian's trail and haunts of game; his wealth and his defence a rifle and a horse; his bed the earth; his home the mountains. He was slain by the treacherous savage. His scalp adorned the wigwam of a chief. The wolf and the vulture in the desert feasted on the body of this Pioneer. A companion, wounded, unarmed and famishing, wanders out through some rocky cañon, and lives to recount this tale—lives, more fortunate in his declining years, to measure, perhaps, his lands by the league, and to number his cattle by the thousand. And the sea, too, has claimed tribute; the remorseless waves, amid the terrors of shipwreck, too often in these latter days have closed over the manly form of the noble Pioneer. The monsters of the deep have parted amongst them the flesh of our friends, and their dissevered members are floating, suspended now in the vast abysses of the ocean, or roll upon distant strands—play-things tossed by the currents in their wanderings. And here in San Francisco, exacting commerce has disturbed the last resting-place of the Pioneers. Ten years and-a-half ago, pinched by the severities of a most inclement winter, under the leaky tent which gave no shelter, they sickened and died—and then women and children were Pioneers too—by scores and by hundreds they sickened and died. With friendly hands, which under disastrous circumstances could

administer no relief, you yet did bury them piously in a secluded spot upon the hill-side or in the valley, and planting a rude cross or board to mark the grave, did hope, perhaps, in a more prosperous day, to replace it with a token in enduring stone. But the hill and the valley alike disappear hourly from our sight. The city marches with tremendous strides. Extending streets and lengthening rows encroach upon the simple burial ground not wisely chosen. The dead give place to the living. And now the builder with his mortar and his bricks, and the din of his trowel, erects a mansion or store-house for the new citizen, upon the same spot where the Pioneer was laid and his sorrowing friend dreamed of erecting a tombstone. Meanwhile, by virtue of a municipal order, hirelings have dug up and carted away all that remained of the Pioneers, and have deposited them in some common receptacle, where now they are lying an undistinguishable heap of human bones.

Pursuing still this sad review, you well remember how with the eager tide along and up the course of rivers, and over many a stony ascent, you were swept into the heart of the difficult regions of the gold mines; how you there encountered an equal stream pouring in from the East, and in a summer all the bars and flats, and gulches, throughout the length and breadth of that vast tract of hills, were flooded with human life. Into that rich harvest Death quickly put his sickle. Toil to those who had never toiled; toil, the hardest toil, often at once beneath a torrid, blazing sun, and in an icy stream; congestion, typhus, fevers in whatever form most fatal; and the rot of scurvy; drunkenness and violence, despair, suicide and madness; the desolate cabin; houseless starvation amid snows; all these bring back again upon you in a frightful picture, many a death scene of those days. There fell the Pioneers who perished from the van of those who first heaved back the bolts that barred the vaulted hills, and poured the millions of the treasures of California upon the World!

Wan and emaciated from the door of the tent or cabin where you saw him expire; bloody and mangled from the gambling saloon where you saw him murdered, or the roadside where you found him lying; the corpse you bore to the woods and buried beneath the trees. But you cannot tell to-day which pine sings the requiem of the Pioneer.

And some have fallen in battle beneath our Country's flag.

And longings still unsatisfied led some to renew their adventurous career upon foreign soils. Combating for strangers whose quarrels they espoused, they fell amid the jungles of the Tropics and fatted the rank soil there with right precious blood. Or upon the sands of an accursed waste, were bound and slaughtered by inhuman men who lured them with promises and repaid their coming with a most cruel assassination. In the filthy purlieus of a Mexican village, swine fed upon all that murder left of honored gentlemen; until the very Indian, with a touch of pity, heaped up the sand upon the festering dead, and gave slight sepulture to our lost Pioneers.

Though from the first some there were who found in California

all they sought, and as they lived, so died, surrounded by their children and their new-made friends, and were buried in church-yards with holy rites; and although those more lately stricken, repose in well-fenced grounds, guarded by the SOCIETY they planted, and whose ripening power they have witnessed; and are gathered to a sacred stillness, where we too may hope that we shall be received when full soon we sink to our eternal rest; alas! far different the death and burial of full many a Pioneer!

In deeds of loftiest daring of individual man, encounters fierce and rudest shocks, too often has parted the spirit of the Pioneer, and left his mortal body to nature and the elements! Thus wilds are conquered! and to civilization new realms are won!

Upon his life and death let them reflect who would deny to the Pioneer the full measure of the rights of freemen.

For us, we behold the river or the rock, the mountain's peak, the plain; whatever spot from which his eyes took their last look of earth. There as he lies, one gentle light shining athwart the gathering darkness still holds his gaze. Guided by that light, we will revisit the distant home of the dying Pioneer. In imagination we will there revive the faded recollections of the intrepid boy, who in years long past disappeared in the wilderness and the West, and for a life-time has been accounted dead. We will renew, whilst we console, the grief of the aged father and mother. To the fresh sorrows of the faithful wife we pledge the sympathy and love of brothers. To the sons and daughters of our friends we stretch forth our hands in benedictions on their heads. To ancient friends we too are friends; until with our praises, and the eventful story of his life, we make to live again in his old peaceful home, him who died so wildly. What though to mournful questioning we cannot point their graves? They have a monument, behold the State! And their inscription, it is written on our hearts.

Thus, as is meet, we honor our dead Pioneers; with severe yet pleasing recollections, grateful fancies, and tears not unmanly. With an effort—we turn from ourselves to our country.

[Mr. Randolph then proceeded to trace the history of California from the time of Cortes (1537) down to the year 1830. He consumed over two hours in this portion of his address, which has been pronounced by high authority, "the most complete and authentic history of California extant." Its great length prevents its insertion here in full.

Of populous Christian countries, Upper California is among the newest. Her whole history is embraced within the lifetime of men now living. Just ninety-one years have passed—1769 to 1860, A. D.—since man of European origin first planted his footsteps within the limits of what

is now our State, with purpose of permanent inhabitation. Hence, *all* the inhabitants of California have been but Pioneers.

The orator concluded as follows:]

Internal disturbances seem to have commenced in California about the year 1830. The liberal Spanish Cortez of 1813, in carrying out the Constitution which they adopted for the Spanish monarchy the year before, decreed the secularization of all the Missions in the Spanish dominions. The design was to make general what had always been done before by special authority—to liberate the Indians from the control of the Missionary Fathers, and divide amongst them, as their separate property, the land, cattle, and whatever else they had owned in common; to establish secular priests in the place of regular priests or monks of the religious orders among them, for their spiritual guidance; and in every respect to convert the Indian villages of the missions into Spanish pueblos—the process by which, in so great a degree, society was constructed in all Spanish American countries, and the ultimate fulfillment of the purpose of the King, everywhere so prominently put forth in colonizing California.

The decrees of the Cortez, not incompatible with the republican form of government, continued after the establishment of her independence to be the laws of Mexico; but very few, if any, of them had been put into operation in California. With the rest, that of SECULARIZATION remained a dead letter. Echandia, the Political Chief, (as the Governor was then entitled) in 1830, very hurriedly, and without consulting the Supreme Government, published as the custom of the Government was, a set of Regulations for carrying this old law into effect. At that moment he was superseded by Victoria, who suppressed the Regulations, and put a peremptory stop to the secularization of the Missions. Victoria's conduct was approved by the Supreme Government; but there was a party here warmly in favor of the secularization, and disturbances which were considered serious and threatening ensued, although I do not know that they resulted in bloodshed. The chief promoter of the scheme was sent out of the country by Victoria; and thus, I think, civil strife commenced in California. The occasion was the disposition to be made of the Missions, which we have seen were once, and for so long a time, so nearly all of California. It was the beginning of the downfall of those ancient establishments, so difficult for us to comprehend, and now so entirely passed away, that to recall them is like recalling the images of a dream. What the Government of Mexico was opposed to was not the secularization of the Missions, but the manner in which it was attempted. The agitation which had been thus commenced resulted in the passage, by the Mexican Congress, of the law of the 17th of August, 1833, to secularize the Missions of the Californias. Under it the work was begun by Figueroa, the best and ablest of the Mexican Governors. At the same time he had two other laws, most fundamentally sub-

versive of the old order of things, to carry into execution. They were the law for the political organization of the Territory, being another of those decreed by the Spanish Cortez in 1813, and the law of colonization, passed by the Mexican Congress August 18th, 1824, with the executive regulations, prescribing the manner of its application, dated November 21st, 1828.

It is evident that this is the true era of revolution in Mexican California. Observing the ancient limits of the Presidial jurisdictions, municipal governments were established for each district. Authority was exercised by elective bodies called Ayuntamientos, of which the head was an Alcalde or Judge. This body regulated the economy of the whole district, directly of the pueblo in which it resided, and of every other pueblo in the district, through the intervention of local and subordinate Ayuntamientos. This was the separation of the civil functions from the military functions, both of which had been continued in the hands of the commanders of the Presidios, as in the Spanish times. Here in San Francisco, and for all the region north of San Mateo creek, east indefinitely, and west to the ocean, the separation of powers took place in December, 1834, at which time the Ayuntamiento was established for the civil government of this Presidial district, and Gen. M. G. Vallejo, then in command of the Presidio, was left with only his military command. In the secularization of the Missions, Figueroa advanced so far as to put administrators in possession in place of the Fathers, at which stage his proceedings were arrested by a decree of the Mexican President. Ruin was inevitable; it was as rapid as spoliation could make it, and it was soon complete. Governor after Governor adopted regulations upon regulations, to secure a faithful administration of the property of the Missions, *i. e.*, of the Christian Indians who inhabited them, and by whose labor all had been built and accumulated. It was to no purpose; and of as little avail was the partial restoration of the Missions to the charge of the Fathers, by Micheltorena, in 1843. The Indian was by nature a very little above the brute; the Fathers were not able to elevate him in spite of nature; the administrators stripped him without compunction; and, when the United States conquered the country, he was already exterminated—his destruction complete in ten years. When emancipation began, Figueroa says there were twenty thousand Christian Indians in the Missions of California.

Colonization was another idea introduced by the Spanish Cortez in 1813. It was embodied in the Mexican law of colonization, of 1824. The scheme was to reduce all the public lands of the State to private property. The Spanish rule before 1813, had ever been to make such grants the exception, and to retain all lands generally speaking, as the domain of the King. Other Mexican Governors may have made informal grants of which nothing appears, but Figueroa was the first to inaugurate the system of which we find the records in the Archives. He established a course of proceedings in exact accordance with the law and the regulations, and adhered to

it strictly and executed it conscientiously and with great intelligence. From the lands subject to be granted are excepted such as belong to Pueblos and Missions. Of Pueblos, *i. e.* villages, there were but two—San José and Los Angeles—or three including the unprosperous Villa de Branciforte. Whatever lands these owned were at their foundation surveyed, marked out, and set apart to them; and then recorded. The same course was followed with such of the Presidios as were converted into Pueblos, as at Monterey; and would have been pursued with the Missions when converted into Pueblos, if that change had not been arrested. In these cases there could have been no uncertainty as to what lands the Governor could grant. With the Missions, untouched, or incompletely secularized as they were left, there was difficulty. The title of the Indian who had consented to become a Christian and a civilized man, binding as it was upon the King, had always been indefinite as to quantity, and as to the *situation* of his lands, save that it should be at and about the Mission; in which essential particulars it rested altogether in the King's discretion, exercised by the proper officers of his government. The Mexican Republic stepped into the same relation to these Christian Indians. That no injustice might be done them, every petition was referred to the Priests, and afterwards to the Administrators of the Missions. They were asked whether the grant could be made without prejudice to the Indians. As they replied, so were the grants given or withheld. So it was at least in Figueroa's day, and that, no matter how far the land petitioned-for was from the nearest Mission. Other Governors were neither so exact nor so conscientious as Figueroa. And as, in the hands of the Administrators to whom they were delivered over, the Missions went rapidly down to complete ruin, it is evident that the lands required for the Indians would become continually less—such would be, and was, the answer of their new guardians to the inquiries of the Governor—and finally all was granted, and in some cases, it is alleged, even the Missions themselves. Their cattle, without the aid of a grant from the Governor, took the same course. It is not too much to say that when the United States in 1846 took possession of the country, they found it passing through a conquest still raw and incomplete. It was the conquest of the Missions and the Christian Indians, by the settlers of the Presidios and Pueblos who at first had been introduced into the country mainly for their benefit; to aid the King and the Church in carrying out their pious and humane intentions towards them. Yet it was well that it was so. Who that looks upon the native Digger Indian could wish that a superior race should be sacrificed or postponed for his benefit? We contemplate a miserable result of the work begun with so much zeal and heroism in 1769. But because they failed, we none the less respect the motives and the laborers, whether of Church or State.

The unworthiness of the Californian Indian did not altogether deprive him of sympathy. Every Government expressed some feeling at seeing him hasten so rapidly to his wretched end. And the just and kind-hearted Figueroa battled for him manfully. In the

midst of the complex labors of his administration he was almost crushed by the arrival of three hundred persons, for whom he had to make provision, without resources, and who came under the charge of a Director of Colonization, instructed by the Supreme Government, at that time radically democratic, to begin operations by taking possession of the property of the Missions and admitting the new colonists to a division of it with the Indians. During the winter of 1834–5, Figueroa and the Director carried on an animated discussion in writing, on the subject of the last of these propositions. Figueroa maintained that the Missions were the private property of the Indian, and protected from invasion by the Constitution. The Director insisted upon the letter of the order of the Supreme Government. Figueroa said it was improvident, and refused to obey it until he could make a representation to the Supreme Government on the subject. The end was, that some of the partizans of the Director attempted an insurrection at Los Angeles, in the spring of 1835, which was easily suppressed, but furnished Figueroa the opportunity to send the Director and the heads of his faction back to Mexico. Of these, the principal was the same man who had been sent out of California by Victoria for the same cause—a desire to have a part in the secularization of the Missions. The colony, however, remained, and though numbering but three hundred, was a great addition to the population of California in those days. Among them we find the names of several persons who afterwards became conspicuous in the country—José Abrego, José Ma. Covarrubias, Augustin Olvera, and Francisco Guerrero.

Figueroa died at Monterey, on the 29th of September, 1835, his death being probably hastened by the effect of the anxiety and vexation of this controversy, upon a constitution already broken. At that time his manifesto to the Mexican Republic, in which he gives a clear and forcible statement of the whole affair, and an able vindication of his conduct, was going through the press at Monterey. His death seems to have been very greatly deplored at that time, and he is still recognized as the ablest and most upright of the Mexican Governors. His work of the political organization of California lasted but a little while; it fell with the overthrow of the Federal Constitution of 1824, by Santa Anna, in 1836. California then became a Department: Political Chief was changed into Governor, and Territorial Deputation into Departmental Assembly.

These changes, however, were not fully completed in California until 1839. The Department of the Californias was then divided into three districts; the first extending from the frontier of Sonoma to San Luis Obispo, its principal point or seat of administration being the old Mission of San Juan, on the Pajaro river; the second district included the rest of Upper California, the seat of its administration being the city of Los Angeles, which had been promoted to that rank from the original condition of a Pueblo, in the year of 1835; and the third comprised Lower California, which, after a separation, was now re-united with Upper California. These districts were divided each into two Partidos, of which, consequently, there

were four in Upper California. Ayuntamientos were abolished, and a Justice of the Peace substituted in each Partido. For the whole district there was a Prefect, who resided at the seat of the Administration of one of the Partidos, and a Sub-Prefect, who resided at that of the other Partido. In 1843 Micheltorena, acting under extraordinary powers, made some changes in this system, but it was substantially restored by Pio Pico, in 1845, when again Lower California was thrown off.

With Figueroa everything like stability, and indeed order, passed away. The next year after Figueroa's death, the Californians drove away the Governor; and Don Juan B. Alvarado, being at that time President of the Territorial Deputation, was declared Governor. After this was done, the Deputation went one step further, and on the 7th of November, 1836, passed these resolutions:

(1.) "California is declared independent of Mexico until the re-establishment of the Constitution of 1824."

(2.) "California is erected into a free and sovereign State, establishing a Congress, &c., &c."

Public documents for a while were headed "Free and Sovereign State of California." This anomalous state of things lasted until 1838. The demands of the Free and Sovereign State were not complied with, nor on the other hand was the Central Government disposed, or perhaps able, to push the controversy to extremes. In 1838, Alvarado was appointed Governor *ad interim;* and Constitutional Governor in 1839, when we have seen that the innovations of Santa Anna took effect. Whilst California was in rebellion, the President of Mexico commissioned Carlos Antonio Carillo, as Governor. Alvarado refused to recognize him, and accepted the aid of a party of Americans who, since the time of Jedediah Smith, seem to have found their way into the country. Alvarado prevailed over Carillo; and the appointment of the former as Governor *ad interim* compromised the difficulties of those times. Here is a document relating to this contest, which will serve to illustrate California warfare. It is the report of Gen José Castro to Governor Alvarado, dated the 28th of March, 1838.

"I have the honor to announce to your Excellency, that after *two days* continual firing without having lost *but one man*, the enemy took to flight, under cover of night, numbering one hundred and ten men; and I have determined to dispatch one company of mounted Infantry, under the command of Captain Villa, and another of Cavalry lancers, under the command of Captain Cota, in their pursuit, remaining myself, with the rest of the division, and the Artillery, to guard this point, &c., &c."

And here is another of the same period. It now appears that the Americans who resided with Alvarado had fallen under suspicion and into disfavor at about the time that their chief made up his differences with the Central Government, and received his commission as Governor *ad interim.* They were all arrested, some fifteen or twenty perhaps, it is said by surprise, and sent to Mexico. Amongst them was Mr. Isaac Graham, of Santa Cruz. This paper will also serve as a specimen of Californian eloquence at that period,

and I commend it at the present moment as a model to our political orators.

PROCLAMATION MADE BY THE UNDERSIGNED:—

"Eternal Glory to the Illustrious Champion and Liberator of the Department of Alta California, Don José Castro, the Guardian of Order, and the Supporter of our Superior Government.

Fellow-citizens and Friends: To-day, the eighth of May, of the present year of 1840, has been and will be eternally glorious to all the inhabitants of this soil, in contemplating the glorious expedition of our fellow countryman, Don José Castro, who goes to present himself before the Superior Government of the Mexican nation, carrying with him a number of suspicious Americans who, under the mask of deceit, and filled with ambition, were warping us in the web of misfortune; plunging us into the greatest confusion and danger; desiring to terminate the life of our Governor and of all of his subalterns; and finally, to drive us from our asylums; from our country; from our pleasures, and from our hearths.

The bark which carries this valorous Hero on his Grand Commission, goes filled with laurels and crowned with triumphs, ploughing the waves and publishing in distinct voices to the passing billows the loud *vivas* and rejoicings, which will resound to the remotest bounds of the universe. Yes, fellow-citizens and friends, again we say, that this glorious chief should have a place in the innermost recesses of our hearts, and be held as dear to us as our very breath. Thus we desire, and in the name of all the inhabitants, make known the great rejoicings with which we are filled, giving, at the same time, to our Superior Government the present proclamation, which we make for said worthy chief; and that our Governor may remain satisfied, that if he (Castro) has embarked for the interior of the Republic, there still remain under his (the Governor's) orders all his fellow countrymen, companions in arms, etc., etc."

The foregoing is signed by seven citizens of note and respectability in the country. When this laurel-laden vessel reached San Blas, the Mexican authorities took a different view of the matter. They put Gen. Castro in prison and Graham and his companions in the best hotel in the place, (he says a palace) and entertained them handsomely until they could send them back to California, which they did at the expense of the Government.

In 1839, Captain John A. Sutter, a man who had seen many vicissitudes and adventures, in Europe and the wilds of America, arrived in California from the Sandwich Islands. By permission of Governor Alvarado he established himself in the valley of the Sacramento, then the extreme northern frontier. He engaged to protect the Mexican settlements extending in that direction under the Colonization Law (the only vital thing left of the Mexican rule for many years) from the incursions of the Indians, and he kept his word.

In 1841, he obtained a grant of land himself, and built a fort which soon became the refuge and rallying point for Americans and Europeans coming into the country. Over all these Sutter, by virtue of an appointment as Justice of the Peace, exercised whatever government there was beyond the law of the rifle. Practically his powers were as indefinite as the territorial limits of his jurisdiction. Amongst those who early gathered around Sutter, we find the names of John Bidwell, who came in 1841, and Pierson B. Read-

ing and Samuel J. Hensley, who came in 1843, and many others well known at the present day.

The Pioneers of that day all bear testimony to the generosity of Captain Sutter, at a time when his fort was the capitol and he the Government for the American colony, in the valley of the Sacramento. In 1844, the number of this population had come to be so considerable as to be a power in the State. In the revolution which then occurred, Sutter took the side of Governor Micheltorena. But before he marched he took the reasonable precaution, so obviously required by justice to his men, to obtain from Micheltorena a grant of the land for which they had respectively petitioned. Micheltorena then issued the document known as the General Title.

In this document he declares that every petition upon which Sutter, in his capacity of Justice of the Peace, had reported favorably, should be taken as granted; and that a copy of this document given to each petitioner, should serve in lieu of the usual formal grant. This done, he marched to the south, but was unfortunate, for he was taken prisoner, and *Micheltorena* expelled from the country. This is the last of the civil wars of California.

In the spring of 1846, General Castro in the North, and Pio Pico, the Governor, in the South, were waxing hot against each other, and preparing for new conflicts, when the apparition of Captain Fremont with his small surveying party of old mountaineers, and the hardy and indomitable Pioneers of the Sacramento Valley and the Bear flag, put an end to their dissensions. Castro had himself prepared the way for this aggression, by driving Fremont and his surveying party out of the Mexican settlements, a few months before. The colony on the Sacramento necessarily sympathized with Fremont: and rumors, more or less well founded, began to run through the valley, of hostile intentions towards all the American settlers. But resentment and anticipations of evil were not the sole cause of this movement. There can not now be a doubt that it was prompted, as it was approved, by the Government of the United States; and that Captain Fremont obeyed his orders no less than his own feelings.

Fremont was still on the northern side of the Bay of San Francisco, when the American flag was hoisted at Monterey, on the ever-memorable seventh day of July, 1846.

Before the war, the Government of the United States had fully determined, so far as that matter rested with the Executive, upon the conquest and permanent retention of California, as soon as the out-break of war should offer the opportunity. Orders, in anticipation of war, were issued to that effect, and it was under these orders that California was actually taken. The danger of that day was, that England would step in before us. Her ships were watching our ships on the coast of Mexico. The British pretext, it is said, was to have been to secure an equivalent for the Mexican debt due to British subjects; and it is understood that there was a party here who favored this design.

Because Commodore Sloat did not rush to the execution of the orders issued in anticipation of war, on the very first report of a collision between the United States and Mexico, the anxious Secretary of the Navy, dreading to lose the prize, hotly censured him in a letter which reached him after the event had broken the sting of its reproaches, and served only to assure him how well he had fulfilled the wishes of his government. The flag of the United States was no sooner flying, than the *Collingwood* entered the bay of Monterey. There had been a race between the *Collingwood* and the *Savannah*. What a moment was that for us, and for the world! What if the *Collingwood* had been the swifter sailer, and Sloat had found the English flag flying on the shore! What if we had been born on another planet! The cast was for England or the United States, and when the die turned for us, the interest was at an end.

As a feat of arms, the conquest of California was nothing for a power like ours. Even more feeble, and as much distracted as the rest of Mexico, and with but a nominal dependence upon the Central Government, but a very little force was sufficient to detach California forever from all her Spanish-American connections. Whatever of military credit there was, is due to the Pioneers, who, under the Bear flag, had, before they heard of the beginning of the war, with an admirable instinct for their own rights, and the interests of their country, rebelled against any further Mexican misrule, or a sale to the British. The loyalty of their sentiments was beautifully illustrated by the alacrity with which they relinquished the complete independence which appeared to be within their grasp, and turned over their conquests, and the further service of their rifles, to the country which they remembered with so much affection, and a government from which they would suffer themselves to look for nothing but wisdom and strength, and a tender consideration for the rights and interests of the Pioneer.

For three years and a half, when there was no war, and for nearly two years after there was a declared peace, California was governed, and for a great part of the time heavily taxed, by the executive branch of the government of the United States, acting through military officers. This I note as an anomaly in the experience of the citizens of this Republic.

California, separated from Mexico, a new people began to come in from the United States and Europe. But California was remote, and yet but little understood. Mr. Webster himself spoke of her as almost worthless, except for the Bay of San Francisco, and as though the soil was as barren and thorny as the rocks of Lower California. Emigrants came, but not many—amongst the most remarkable arrivals being the ship *Brooklyn*, freighted with Mormons. The soldiers themselves were nothing more than armed colonists. And everything was peaceful and dull, until suddenly, when no man expected, there came a change of transcendent magnitude.

Gold was discovered at Coloma. This was an event that stirred

the heart of the whole world. The motives which pervade and most control the lives of men were touched. All the impulses that spring from necessity and hope were quickened; and a movement was visible amongst mankind. To get to California, some crossed over from Buenos Ayres to Valparaiso, scaling the Andes. The Isthmus of Darien became a common thoroughfare. Peaceful invaders entered Mexico at every point, and on every route startled the drowsy muleteer as they passed over to the Pacific where the coast was nearest, or pushed on directly for California. Constant caravans issued from our own borders, traversed every intervening prairie, and explored every pass and gap of opposing mountains. As the long train descended to the valley, perhaps the foremost wagon is driven by an old man, who, when he was a boy, moved out in this way from Virginia to Kentucky; and passing still from one new State to another, now when he is grown gray, halts his team at last upon the shores of the Pacific. Ships sailed from every port on the globe. The man at the wheel, in every sea, steered by the star that led to San Francisco. So came the emigrants of 1849. The occupation of California was now complete, and she became a part of the world.

Eleven years are passed. We looked out upon a wide expanse—unfenced, untilled—and though nature was lovely, our hearts sank within us. Neither the priest nor the ranchero had prepared this country for our habitation. We asked: Who shall subdue all this to our uses? We look again; and now, upon a landscape checkered with smiling farms and dotted with cities and towns, busy and humming like the hive. What magic is it that has wrought this change? On every hand, with one acclaim, comes back the answer: Labor, it is Labor. Of our eleven years, here is the lesson. Man's opinions and his passions were but insolence and vanity. Boasting and praise made but the greatness of the passing day. And Labor, only Labor, has survived. However silent, however humble and unseen, or on what bestowed, it is Labor which has created California, and which rules us at this hour. With our own eyes this we have seen, and of our own knowledge we know the lesson to be as true as it is old.

California in full possession of the white man, and embraced within the mighty area of his civilization! We feel the sympathies of our race attract us. We see in our great movement hitherward in 1849 a likeness to the times when our ancestors, their wives and little ones, and all their stuff in wagons, and with attendant herds, poured forth by nations and in never-ending columns from the German forests, and went to seek new pastures and to found new kingdoms in the ruined provinces of the Roman Empire: or when, swayed by another inspiration, they cast their masses upon the Saracens, and sought to rescue the Sepulchre of Christ from the infidels. We recognize that we are but the foremost rank of the multitude which for centuries has held its unwavering course out of Europe upon America, in numbers still increasing; a vast, unnumbered host, self-marshaled, leaderless, and innumerable, moving

onward forever, to possess and people another continent: separated but in space, divided but by the accidents of manners, of language and of laws—from Scandinavia to California—one blood and one people. Knowledge is but the conservation of his thoughts, art but the embodiment of his conceptions, letters the record of his deeds. Man of our race has crowned the earth with its glory! And still in the series of his works you have founded a State. May it be great and powerful whilst the Ocean shall thunder against these shores. You have planted a people; may they be prosperous and happy whilst summers shall return to bless these fields with plenty. And may the name of the PIONEER be spoken in California forever!

MILTON S. LATHAM.

By Judge Gaven D. Hall.

Under the most favorable circumstances, it is at all times a very difficult task to write a biographical sketch of a cotemporary. This difficulty is greatly increased when the person whom you would portray is a member of the same community, and when the truthfulness and fidelity of the portrayal must be submitted to the impartial judgment of those who have enacted important parts in the drama of which he is made the chief character. The prominent events in the career of the individual under consideration are of such recent occurrence—are so blended and identified with the experience of every old Californian—as to enable the chronicler to analyze his subject without viewing him through the misty haze of remote years, and to comment from an actual and personal knowledge of events.

Mr. Latham's ancestors came to America in the *Mayflower*. His father was a native of Virginia, and his mother of New Hampshire. He was born in the State of Ohio on the 23d day of May, 1829, and was fortunate in being the son of a gentleman of eminent local celebrity, and a person of liberal education and a generous nature. Enjoying the advantages of high social position, professional distinction, and a mind adorned and enlarged by the refinements of education, his father appreciated the value of thorough education, and bestowed upon his son all

the advantages to be derived from cultivated society and collegiate training.

In 1846, he graduated from Jefferson College, Pennsylvania, and left his Alma Mater with a reputation for scholarship, energy, and industry, that gave promise of his future success and distinction. Soon after graduating, he removed to Alabama, where he studied law. Having chosen the law for a profession, his earnest devotion to study, his aptitude and genius, secured him license to practice at an early age. In 1848, he was appointed Clerk of the Circuit Court of Russell county, Alabama.

At the period when California was the focus of public interest and attention, Mr. Latham selected the Golden State as the field for his future labors and aspirations. On the 5th of April, 1850, he arrived at San Francisco, and at once entered upon the active practice of his profession. Sacramento having been made the capital of the State, many of our most eminent lawyers were attracted thither, and Mr. Latham among them. His extreme youth attracted general sympathy. His suave and genial manners made him universally popular, while his abilities commanded respect from the members of the bar as well as the entire community, and soon secured him a very profitable business. So rapid were his strides to public notice and favor that at the ensuing general election after his arrival in 1850, he was elected by a very large majority to the important office of District Attorney for the Sacramento Judicial District, comprising Sacramento and El Dorado counties. His official position gave him an enlarged theatre of action and a more extended and familiar acquaintance with the people. While his civil practice had established his claim as a logical and philosophical student of the law, his opportunities as an advocate soon won him a reputation among the people excelled by no member of the profession in the State at that day. Indeed, his advancement was so great, his hold upon the popular mind so fixed, that in 1851, he was elected Representative to Congress, triumphing over competitors who had already established a national fame.

Mr. Latham fully sustained at the forum of Congress the reputation he had won at home; and the honored attitude he occupied toward his colleagues, and his faithful efforts to secure legislation for the best interests of California, were rewarded by a reëlection, and he remained her representative till 1856.

It will be remembered that the affairs of the Collectorship of the Port of San Francisco had not uniformly been administered so as to give entire satisfaction to either public or private judgment. It is not our province to discuss political subjects, or to inquire into the causes or consequences of the management of the Collector's office, that gave the Government extreme solicitude and difficulty in selecting the proper person to take charge of the office, and bring "order out of chaos." It is sufficient to say, while it was a source of great public satisfaction, that from a host of eager aspirants, Mr. Latham, unsolicited and in fact against his protest, was invited and induced to accept the position. This distinguished compliment from the Government was based upon the character for honesty, integrity, and fidelity to duty that Mr. Latham had won in his Congressional career; and he acquired additional credit and honor for the exactness, dispatch, and discipline that characterized every department of the Customs during his administration.

Mr. Latham now determined to ignore the blandishments of office, and devote himself to the more remunerative and less exciting pursuit of private business: to use his own words on a memorable occasion, he had "resolved to quit 'the filthy pool of politics.'" These hopes of quiet happiness and repose were not, however, to be realized. The exciting canvass of 1859 snatched him from contemplated retirement. The influence of their young favorite was warm in the hearts of the people, and they determined to manifest their approval of his past stewardship by the bestowal of yet higher honors. In that year he was nominated for Governor of California by the Democratic State Convention, (his principal competitor being Hon. John B. Weller) and was elected by a

very large majority, receiving over 60,000 votes—his competitors being Hon. John Currey, afterwards Supreme Judge, and Hon. Leland Stanford, afterwards Governor of the State.

It was incumbent on the Legislature, which was chosen at the same general election, and which convened in January, 1860, to elect a successor to the Hon. David C. Broderick, United States senator, then lately deceased. This important matter elicited a degree of political feeling and public interest unwonted even in the arena of California politics. Those national questions that finally culminated in the Great Rebellion were then being everywhere discussed. All felt the absolute necessity of having a representative in the United States Senate who should be a *representative in fact*—not merely of California or of a political party—but of the patriotic impulses of the people at large. In this great crisis, the Shakesperean theory of fortune was fulfilled, and Mr. Latham became the recipient of her gifts. Scarcely had he assumed the office of Governor and delivered his inaugural, when he was called on to resign and assume the senatorial toga. Mr. Latham presented his credentials and took his seat in the United States Senate in March, 1860, and served in the Senate until March 4th, 1863.

This brief summary of events affords an eulogy of which any man might be justly proud; and a lengthened commentary upon them would be a work of supererogation. Justice to distinguished merit, admiration for the unparalleled promotion to conspicuous and exalted station that mark the career of Mr. Latham, would seem to warrant, if not exact, some further comment.

Upon Mr. Latham's advent in California, already attracted to her shores was a population above every other people of America distinguished for their dash, intelligence, and enterprise. Among them were to be found able representatives of every profession, trade, and calling —Professors of Colleges, ex-Governors, and Members of Congress, divines and lawyers—who had become noted throughout the country. These, according to their various tastes and avocations, were earnest rivals, struggling in

the most exciting and eager race of life the world ever witnessed. The phantom of wealth—the spur of necessity—the hopes of ambition—seemed to cauterize human nature and freeze the heart against all impulses of generous emulation, and make every man an uncompromising competitor. To succeed in such a contest, to win and command the warm sympathy of the people, and to retire from the struggle with their abiding confidence and trust, was to create a monument more enduring than any entablature graven on steel or adamant; and affords a model well worthy the imitation of the youth of our country.

No man in America has filled so many important offices in so brief a time as has Mr. Latham, and history affords no example among our countrymen of a person at his age having filled such high stations. At that age when most men plume themselves for the highest flights of ambition, Mr. Latham has successively filled the most honorable positions within the gift of the people. To what peculiar trait of character or special qualification we must attribute his extraordinary career, it would be difficult to determine.

In his social character, he is dignified without stiffness, impressive without dictation, genial without levity, and companionable without familiarity. In business engagements other than professional, his accustomed success has followed his efforts, and he now enjoys a handsome fortune. He is now Manager of the London and San Francisco Bank, which institution flourishes under his direction. As a popular orator, he has no superior on this coast, and the result of many a political canvass in this State has been influenced by the powers of his eloquence.

We have to regret that our limited space will not permit us to give extracts from his speeches in Congress, for he spoke to almost every question of national importance that rose during that exciting period; as they would adorn these pages, and carry with them proofs of the genius and ability of their author.

As a representative man, Mr. Latham is a fair type

of California, her people, genius, and extraordinary expansion. As she, without the preliminary forms of territorial existence, sprang almost immediately into the condition of a great State, so did he seem to defy the ordeal of probation through which mankind usually pass in the vicissitudes of fortune, and stepped forth from his minority into a manhood of established fame.

"Palmam qui meruit ferat."

LIBRARY
OF THE
UNIVERSITY
OF
CALIFORNIA

Rad. B. Swain

ROBERT B. SWAIN.

By William Y. Wells.

The reputation for enterprise, intelligence, and liberality which San Francisco in her remarkable growth has acquired abroad, is undoubtedly due, more than to any other class, to her merchants. The same may be true of most communities, where commerce is the vital element of their prosperity; but it is especially so in one whose merchants have always exerted the chief influence in directing the policy of municipal or State government, in shaping congressional legislation relating to the Pacific coast, and giving the tone to public sentiment and measures. In this light, biographical sketches of commercial men long identified with the city, assume something of historical value, as inseparably connected with its material and social progress. For many years Mr. Swain has been known as a prominent merchant of San Francisco, filling, during that time, positions of the highest responsibility, political and social, and honorably associated with important movements. The records of societies organized for literary, religious, and benevolent purposes, are silent testimonials of his activity in charitable works; while to public discussions of maritime questions, he brings a quickness of perception and a familiarity with those subjects, only to be acquired through business talent of a high order joined to great experience. It is not, however, from a merely commercial stand-point that we propose to sketch

Mr. Swain. In the last ten years his name has been interwoven with men and events which have become celebrated, and the character before us is thus additionally representative.

Mr Swain, who is of Quaker origin, was born about the year 1825, in Nantucket, Mass., his island home fronting upon the rude Atlantic, and his earliest associations having been among rugged and adventurous seamen. At the age of seventeen, he went to New York, and becoming a clerk in the famous house of Grinnell, Minturn & Co., received a thorough mercantile education. In 1855, failing health, caused by a too close attention to an extensive commission business, in which, after having remained with the above named firm for many years, he had embarked for himself, obliged him to seek a milder climate, and in that year he came to California intending to remain only long enough to ensure a restoration to health. Increasing interests and duties, however, required a longer stay, and here he has ever since found his field of labor, pursuing his legitimate business of Commission Merchant and Fire and Marine Insurance Agent. His sphere of occupation speedily displayed an ability and readiness of application to diverse subjects in the walks of social and business life, and he was evidently destined to be a leading man in the State of his adoption. Soon after his arrival, he was elected a Trustee of the Mercantile Library Association of San Francisco, and thenceforth served that institution in various capacities, having for the past four years been either President or Vice President. He has been untiring in his labors to subserve the interests of the Library, and his disinterested efforts while presiding over its welfare indicate a painstaking care for its advancement. On the inauguration of the new Library building in June, 1868, Mr. Swain thus concluded a speech, in which he had proposed at some length a plan for bonding the debt of the Association, which bonds he trusted would be eventually liquidated by the donations of zealous and liberal minded citizens:

Of the ultimate success of this scheme, the Trustees have not a thread of doubt, and it now remains to be seen whether the people

of this city will at once second their efforts; whether the people of this city are alive to the necessity of a literary centre like this, which is destined to work a silent but potent influence upon the morals of the community and the future prosperity of the State; whether the fathers and mothers who have sons ripening to manhood, and to whom membership in this Association may be a matter of vital consequence, are anxious that their talents and energies be not wasted on selfish and ignoble objects; whether they prefer for their sons the reading-room to the race-course—the sure delight of books to the uncertainties of the gaming table—literary pleasure to licentious indulgence—and the cultivation of a refined and ennobling taste to mere sensuous weakness and fashionable frivolity.

Afterwards, when the Mercantile Library was threatened with extinction by reason of a crushing indebtedness, this appeal presented itself with renewed force. In the efforts to rescue the institution from its financial difficulties, Mr. Swain, who was still its President, took an active part, devoting valuable time to the subject, and originating numerous practical suggestions to that end.

In New York he had been an intimate friend and parishioner of the Rev. Dr. Bellows, and joining the First Unitarian Church on his arrival at San Francisco, he at once became influential as an executive member, and was soon after elected President of the Board of Trustees, an office which he continued to hold for ten years. While he was filling this position, it became necessary in 1859 to select a new pastor for the Society. Mr. Swain at once placed himself in communication with the Rev. T. Starr King, then in pastoral charge of the Hollis street church in Boston, the result of which was that Mr. King consented to transfer his labors and influence to the Pacific coast. A portion of this correspondence appears in an address delivered by Mr. Swain before the Society in 1864, and published by request. It forms a most interesting chapter in the life of the eminent divine, a few days after whose death, and in whose memory it was delivered; and in its style and matter, the affecting and beautiful tribute is highly creditable to the oratorical powers, as well as the liberal Christian spirit of Mr. Swain. In the spring of 1860, Mr. King arrived, and from that time until March, 1864, the date of his decease, he found in Mr. Swain his wisest and closest ad-

viser and friend. Indeed, from the time of his landing in San Francisco, the two were almost inseparable, and this intimate companionship may be said to have imbued our subject with his highest aspirations and worthiest aims in life. The sketch of that great man elsewhere in these pages, renders unnecessary any further allusion to this particular point. Truly fortunate was the advent of Mr. King in San Francisco, not only for the church which he raised out of bankruptcy by the magic of his genius, but for the State and the country; for to the splendor of his eloquence is largely owing the sentiment which saved California from the vortex of secession and the horrors of civil war. Since his arrival in California, Mr. Swain has seen the affairs of the Unitarian Society changed from the most deplorable financial aspect to one of flourishing prosperity—a result traceable in no small degree to his own prudent management and unwearied efforts. About the time of his retiring from the Presidency of the Board of Trustees, the pews rented for a premium of $24,750 above the annual assessments, amounting to $12,000; enabling the society to wipe out entirely the debt of the church, which had lingered along from the time the new edifice had received the shock of its illustrious builder's decease two months after it was consecrated. Mr. Swain resigned only when the society was free from debt.

Although frequently solicited to serve in a public capacity, having been several times applied to by nominating conventions to become a candidate for Senate and Assembly, he invariably refused. While claiming to be an ardent and original Republican, he shrunk from contact with the coarser machinery of politics, preferring the dignity of his own calling as a merchant and his books, to active participation for personal ends in a political canvass. Early in 1863, he was appointed, without solicitation, and as we believe without his knowledge, Superintendent of the United States Branch Mint at San Francisco. Following the rule that had invariably guided him hitherto, he hesitated before accepting, but finally yielded at the request of many citizens and all the officers of the Mint. The complimentary manner in which the office

was tendered by President Lincoln, would scarcely have justified a refusal.

The office upon which Mr. Swain now entered has of late years come to be regarded as more strongly identified with the interests of California than any other in the gift of the Federal Government. It has been a reliable bank of deposit for the miner, with a capital of thousands of millions behind it for security, and to some extent the regulator of finance on the Pacific coast. The position was no sinecure. The Mint is a hard-working mill, with the glare and heat of a chemist's laboratory. It has never been a stepping-stone to political preferment; it has never been a school for Senators or Congressmen. It requires skilled labor and scientific attainment. The amount of work done within its walls may be imagined from the fact that since its creation in 1854 not far from three hundred millions of dollars, or more than half the sum coined by the Philadelphia Mint since 1793, has been struck from its presses. Mr. Swain's management of the vast funds placed in his charge, merits a much more lengthy and detailed description than can be here devoted to the subject. In the manipulation of the precious metals, the Government supposes that there will be a considerable natural loss or wastage, and accordingly a large allowance is given by law to the officers of the Mint for that purpose. Although in some years, under a previous administration, this allowance had not only been exhausted but largely exceeded, under that of Mr. Swain the loss in no year was ever more than a few hundred dollars, showing the nation an instance in which a great public trust was conducted as honestly and thoroughly as any private business. It has been said of Mr. Swain, that "he has succeeded in accomplishing what few men ever accomplish —administering a department of the government service so as to disarm party animosity, and leave no place for criticism to hang a complaint upon." In assuming control, he resolved to be uninfluenced by cliques, combinations, or parties. Of course, tremendous pressure was brought to bear for places, but office brokers and office hunters soon learned that the new Superintendent could not be

used as a tool. While demanding that the employés should be unconditionally loyal to the Government, integrity, capacity, and faithfulness, were the chief requisites. The Mint was a branch of the Government especially requiring the public confidence, and he steadily refused to permit it to be prostituted to political ends; and this course met the entire approval of Mr. Lincoln and of several Secretaries of the Treasury. The remarkable success of Mr. Swain in the discharge of his duties for six years, we think, may in a great measure be attributed to this policy.

After holding the position for about two years, consulting rather his own tastes and inclinations than the notoriety of public station, he tendered his resignation of the Superintendency. It may be that this course partly grew out of an honest indignation in his own breast at the persistent misrepresentations by persons anxious to supplant him, to meet which Mr. Swain, with becoming dignity and conscious rectitude, would not descend to a contradiction. The letter was sent without the knowledge of his many friends and the public generally. His popularity and the estimation in which his services were held is shown by the fact that as soon as it became known that his resignation was in the hands of the Department at Washington, a paper, signed by all the bankers and many of the leading merchants of San Francisco, was presented to him, requesting that he withdraw the document, and a dispatch from the same gentlemen in reference to the matter was also sent to Secretary McCulloch. By a singular coincidence, this dispatch was crossed on the wires by one from the Secretary himself preferring the same request to Mr. Swain. Thus urged, he consented to retain his place at the head of the Mint, which he continued to hold until the summer of 1869—his administratien of its affairs compelling the unqualified endorsement of the Department, while the character and unimpeachable integrity of the Superintendent was made the theme for special encomium on the floors of Congress.

In 1865, Mr. Swain was one of the founders, in con-

junction with other philanthropic gentlemen, of the San Francisco Benevolent Association, which patterns after a like society in New York known as the "Association for Improving the Condition of the Poor." Of this institution Mr. Swain has been the President from the date of its organization. At its first anniversary meeting in May, 1866, in an address to the members, he gave a graphic statement of the scope of the Society's usefulness and charities during the year then just ended. Mr. Swain said:

It is not permitted to the trustees to relate in detail the facts that have been gathered bearing on the extent and nature of indigence and suffering in our city, because a proper regard for the peculiar sensitiveness of the poor has imposed upon them the obligation of secrecy. But if I could divulge a tithe of the information which we have gained—if I could tell of the poverty and despair that is nurtured in our very midst—of the squalid destitution prevailing here —which exists not a stone's throw from the abodes of wealth and splendor—if I could make known to the generous-minded people of this city how, through the gentle beneficence of this society, which is but the wise concentration of the individual charities of the members, anguish has been assuaged, bleeding hearts cured, widowed mothers assisted to the necessaries of life, hungry little children fed, and their delicate, naked bodies clothed against the wet and cold; if I could relate a small portion of the tales of wretchedness and woe that have been whispered into the ears of the officers—tales of disappointed ambition, buried hopes and expectations, blasted fortunes, unexpected penury and discouraged hearts; and if I could paint a picture of the army of houseless, homeless, hungry, shivering, dejected, sorrow-stricken people whose sufferings they have relieved, and some of whom have been raised from the slough of despond beyond the necessity of further aid—if I could present such pictures as these to the full gaze of a kind, indulgent public—pictures which have had their reality in the experience of this Association—I am sure that parents who remembered their children, men who have wives, women who have husbands upon whom, perhaps in this capricious age, fortune may one day frown—I am sure that such would never allow this Society to want for funds. For its scope is broad and catholic. It extends the hand of charity to all. It is no respecter of persons, color or race. Whether the applicant be Jew or Gentile, Greek or Roman, American or foreign, black or white, young or old, Protestant or Catholic—whatever the sex, whatever the sect, whatever the skin, so long as it is a being bearing the impress of humanity and made in the image of God, the case receives immediate attention according to its nature and exigency. Nor does it supersede existing charities, but it coöperates with them, and so far as is practicable, makes them the more available to those

for whom they are designed. The work which it performs is various. Some are furnished with food, some with fuel, some with clothing. Some are assisted in the payment of rents, who would otherwise with their children be turned houseless into the streets. Some are assisted to employment; some furnished with the means to reach distant relations, who will care for them; and in one instance, to illustrate the scope and breadth and comprehensiveness of this Society, a beneficiary—a very excellent woman—was provided with a worthy husband, with whom she is now living happily.

To many public charities during the last ten years, Mr. Swain has been a contributor, and of several to this day an active working member, devoting time, money, and labor to alleviating the necessities of his fellow-creatures. At the Southern Relief Meeting held in April, 1867, in San Francisco, he was one of the officers, and took a prominent part by word and action in forwarding the object of the assemblage; during the war, he was an indefatigable member of the Sanitary Committee; for many years he has been Secretary of the Board of Trustees of the Ladies' Protection and Relief Society; is Treasurer of the San Francisco Lying-in Asylum and Foundling Hospital, and an officer in several other charitable institutions that need not be mentioned. In the debates and proceedings of the San Francisco Chamber of Commerce, Mr. Swain has been a constant participant for many years, and from its earliest days has been Vice President or a Trustee of the institution. The records are replete with the results of his practical suggestions on commercial subjects. His especial pride in life is his mercantile education. At the opening of the new Merchants' Exchange in July, 1867, being introduced in his official capacity of Superintendent of the Mint, he said in the course of a speech of considerable length:

But I am not overpleased, Mr. President, with the association into which you have brought me. It is not as a public officer that I desire to be known. Creditable as it may appear to enjoy the confidence of the people and the Government, I regard the vocation of the merchant in the broadest and the most comprehensive acceptation of that word as the most important of all. In the one case, the accident of position or office may give a factitious importance to the individual, to which he may not be entitled. But in the case of the merchant, his influence, his power, his importance, are not reflected, are not derived, are not uncertain. They spring out of the depths

of his own nature, and no external surroundings can raise him to a place higher than that to which his own genius may lift him. I claim to rank as a merchant; as a merchant I believe I hold a public office. I desire no prouder honor than to hold humble rank with men who have so distinguished their class. I regard honorable distinction as a merchant as infinitely more valuable than I do the highest glory that can come from any office in the gift of people or President. Whose name stands higher in the catalogue of merchants, higher in the roll of fame, higher in the annals of history, than that of George Peabody? What office in the gift of Prince, Potentate, or President, can confer such distinction as has been earned by this simple, unpretending merchant and banker? Indeed, does not his name shine out more glowingly than that of any Prince or President himself? And this, not because he has become possessed of huge wealth, but because his mind has been disciplined while accumulating that wealth, to a correct knowledge of the uses to which it should be applied, which so few understand. Such men, too, were Robert B. Minturn, Jonathan Goodhue, and Peter Cooper, now living, and a host of others.

Mr. Swain not only possesses the faculty of expressing himself readily and neatly on public occasions, but he is also peculiarly happy in the composition of addresses, while his pen has frequently been engaged in contributions to the press, both by editorials and communications, on a variety of subjects, but usually in the discussion of topics of pressing public interest. His style is compact and logical, and when occasion seems to require it, men and measures are handled with a force and directness that leaves nothing to be inferred.

In retiring from the responsibilities and cares of office, he gladly resumed his place as a private citizen, enabling him to pursue his regular mercantile business, which, however, he had never abandoned during his superintendency of the Mint. The office came to him unsought, and he left it without regret, satisfied to know that the department over which he had presided for so many years, continually enjoyed the confidence of the people and of the Government, that in the discharge of his duty he established many valuable precedents which no successor can set aside, and that during his official career not a word was whispered even among his political enemies against the upright management of an institution which sends forth two-thirds of the coinage of the country.

Notwithstanding that he has figured conspicuously as a man of affairs—as a public man—those who know him intimately are aware that he does not court prominence or notoriety—has no ambition to be a leader. If he has taken a leading part in public matters, it was with the consciousness that duty demanded the consecration of time and influence to useful objects, and the building up of a purer and more elevated tone of society, while his own impulses leaned to the studious seclusion of his library or the quiet of his legitimate calling. Together with a strict fidelity to every engagement, and unclouded clearness and accuracy in business, he has a cheerful, elastic, ingenuous manner that invites confidence, and is in keeping with a kindly, sympathetic nature. Still in the prime of life, Mr. Swain has been fortunate in retaining, through many years, all his valuable early friendships, while the range of his commercial connections has widely extended on both sides of the continent.

FREDERICK F. LOW.

By William Y. Wells.

The appointment of Governor Low as United States Minister to China, while regarded as a fitting recognition of his services in the several honorable stations he has occupied under the Federal and State Governments, was particularly pleasing to Californians—not only his intimate friends, but the community at large. The increasing importance of California, and its position relatively to China, seem especially to designate that State as a point from which to select envoys to the Asiatic countries bordering on the Pacific; a policy, however, which has too often been overlooked by administrations previous to that of President Grant. But Mr. Low, although a Californian proper, made so by twenty years' residence in the land of gold, has a reputation somewhat national in character, having filled the offices of Collector of the Port of San Francisco and Member of Congress, both during periods of great public agitation, and when abilities of no ordinary kind were demanded; and the same may be said of his term as Governor of California. He is not only a representative Californian, but a representative American, and is endowed with those qualities of mind which eminently fit him for a leading foreign mission. In view of the international questions incident to our proximity to the vast populations across the Pacific, the Chinese Mission rises to the first importance. Our

representative to that ancient Government is liable to have submitted to his judgment, subjects involving commercial and maritime issues of incalculable weight. A third of the human race live opposite to us; and these nervously active and imitative people are brought by the modern appliances of steam travel nearer to the factories of the North and the cotton fields of the South than England was forty years ago, when European labor reached America by sailing craft, sometimes occupying six weeks in crossing the Atlantic. The natural anxiety which all feel who are interested in our relations with China was relieved upon the announcement of the name of the new Minister, from whose good sense, tact, and experience, much was to be expected.

Mr. Low was born in 1828, in the State of Maine, where his ancestors were among the earliest settlers. After completing an academical education, he engaged in mercantile pursuits in Boston, whence he came to California in 1849, arriving in San Francisco in the height of the gold excitement on the first trip of the steamship *Panama*, in June of that year. Continuing business as a merchant in San Francisco until 1854, he went to Marysville in the following year, where he established a banking house, and was widely known as a prosperous banker. In 1861, he was elected to the thirty-seventh Congress, and repairing to Washington took an active part in the vital issues then convulsing the nation. The civil war had broken out, and during the whole of his Congressional term every hour was big with events in which the national existence was at stake between contending armies. The record of Mr. Low finds him ever prompt, energetic, and uncompromising in his devotion to the cause of the Union. The limits of our sketch will not admit of more than this condensed allusion to his course at that time, familiar as it is to the general reader for its unshaken patriotism. In counsel with statesmen of veteran experience, his clearness of discernment and fertility of resource were ever apparent in times of emergency. At the expiration of his term in the spring of 1863, he was appointed by President Lincoln Collector

of the Port of San Francisco, succeeding Ira P. Rankin; and here, as in the halls of Congress, he showed an aptitude for business, and a quick comprehension of intricate revenue questions, that commanded the respect of the merchants with whom he came in contact. Soon after assuming the office of Collector, he was elected Governor of California, and entered upon his duties in December, 1863, serving the full term of four years, when, in 1867, he returned to private life.

This, in brief, is the public career of Mr. Low. We believe it will be universally conceded that we have in no respect overestimated his services or abilities. During the larger portion of his term as Governor the civil war was raging, and his activity in holding California true to the Union gave great satisfaction to the Government and to the people of this coast. He devoted himself to the finances of the State, and by his prudence, sagacity, and business intelligence, cleared off the floating debt, amounting to something like $1,000,000, and placed the State Treasury on a cash basis. His administration was distinguished for unflinching opposition to all special and local bills, and a determined enmity to such as were calculated to squander the funds of the State for the benefit of individuals. His veto of several bills granting aid to railroads, and for other similar schemes, gave him the unlimited confidence of the people. His inaugural and messages, terse, vigorous and practical, were generally admired as lucid expositions of the state of public affairs, for the clear comprehension of which, his experience as merchant, banker, and legislator had given him peculiar advantages. He declined a renomination in 1867, which, in the language of one of the leading journals of California, was the mistake of his life, and a great mistake for his party. The appointment of Minister to China was tendered to him by President Grant without solicitation, and his acceptance of that important and delicate mission was more in deference to the wishes of the leading business men of the Pacific coast than to his own inclination. He has naturally given considerable attention to the various difficult questions accompanying our increased intimacy

with China—perhaps more than most men not directly interested in them. His predecessors to China during the last twenty-five years have been Caleb Cushing, Humphrey Marshall, Mr. Parker, Robert McLane, William B. Reed, Anson Burlingame, and J. Ross Browne. Mr. Low, albeit he has done his State service in various responsible positions, is still a young man, and the future may yet be burthened with his honors. Next to his clear-headed insight into involved questions, and abilities as a negotiator, perhaps the secret of his remarkable success in life may be found in his amiability and urbanity, which are appreciated by a wide circle of friends, and which draw men towards him almost without an effort on his part.

As a public speaker, he exemplifies the unpretending directness of his character, seldom aspiring to flights of eloquence, always sensible and to the point, ready in language and appropriate in style. At the dinner given in San Francisco to commemorate the opening of the line of steamers between that port and China, in January, 1867, Mr. Low, who presided on the occasion, concluded as follows an eloquent speech on the relations of the United States with China:

Until within a few years, China has been to us a sealed book, practically, and even now we are permitted to examine only the outside and the title-page; and it seems but yesterday that Commodore Perry anchored his fleet in front of Japan, and gave the Tycoon the option of opening his outside door, or having it battered down with shells made of American iron. Who can foretell all the results of intimate commercial relations with these countries during the next ten, twenty, or fifty years? China, with an area of 5,000,000 square miles, a coast line of 3,350 miles, and containing a population of 410,000,000 people, or about one-third of the whole world, thrown open to unrestricted intercourse with, and the indomitable energy of the American people, what mutual advantages may not be expected to flow from it? The ruling powers in China will learn that free intercourse will be of advantage to them; that they can increase their imports of merchandise with profit, and dispense with the large amounts of precious metals which are annually received in payment of exports, and hoarded. And while the Chinese are receiving these valuable lessons, may not our magnates in finance learn that the true remedy for the unsettled state of our financial affairs is to be found in securing a balance of foreign trade in favor of the United States, rather than in acts of Congress making the selling of gold a misdemeanor? We must learn to treat the Chinese who come to live

among us decently, and not oppress them by unfriendly legislation, nor allow them to be abused, robbed, and murdered, without extending to them any adequate remedy. I am a strong believer in the strength of mind and muscle of the Anglo-Saxon race, which will win in the contest for supremacy with any people, without the aid of unequal and oppressive laws; and the man who is afraid to take his chances on equal terms with his opponents is a coward, and unworthy the name of an American. Were I to sum up the whole duty imposed upon us, I should say let us be honest, industrious, and frugal; be persevering and progressive, and remember Raleigh's maxim, that, "Whoever commands the sea commands the trade of the world; and whoever commands the trade of the world commands the riches of the world, and consequently the world itself."

ANTONIO MARIA PICO.*

THE little of romance that attaches to the name of California is connected with the days prior to American intrusion, when the scattered missions and presidios held the aborigines in bodily and spiritual thrall, and a few descendants of the heroes of the Spanish conquest lorded it over broad leagues of territory, and maintained an estate of patriarchal independence. Afterwards came the coarse, brutal days of the gold-digger; nor have we in our history any other epoch to which we can look back with something of that romantic feeling which clings around the older days of chivalry in the lives of older countries, except the epoch of the Spanish rule. One of the few remaining lives which connected us, as by a palpable link, with the past, was that of Antonio Maria Pico. Like the Castros, Vallejos, and other familiar Spanish names, that of Pico is united with the early history of the Californias. Don Antonio Maria was born at Monterey, California, in 1808, when our own nation had barely attained its majority, while our revolutionary fathers still directed the career of the Republic; when the Regent held a brilliant court at St. James', and nearly twenty years before the American colonies of Spain asserted their independence. Then the Californias were to the world at large as much *terra incognita* as the shores of Tanganyika are to us to-day. Their very name savored of the age of fable. It seems now almost wonderful that

* For explanatory note, see Preface.

the changes of these sixty years—the growth of one great nation from feeble infancy to vigorous maturity, the decadence of others, the overthrow of monarchies, the extinction of dynasties—should have transpired within the span of one human life; and yet they were all crowded within the experience and ken of Señor Pico. The same thought might be expressed upon the death of any man of equal age, but they are not so naturally suggested as in the case of this old Californian, whose own youth reaching back to the romantic period of our history, naturally connects itself with the contemporaneous scenes which have been enacting in the world's greater drama.

When but sixteen years of age, Pico was called from his home at Monterey to San Juan Capistrano, by Padre Ramon, to take charge of the books and business of that Mission. He afterwards removed to San José, where he held for many years the office of Alcalde; while discharging the duties of that position, he induced the people of San José to commence the erection of the old Mission Church.

He was residing at that place, and in the prime of life, holding office under the Mexican Government, when the Americans under Fremont broke over the mountains and on to the plains of California, and the Federal Navy scoured the coast and seized the ports of California. Pico was a Colonel in the Mexican service, but was unable, with the means at his disposal, and the equipments at his command, to successfully oppose the progress of the American troops. The Mexican forces retreated towards Los Angeles, and soon afterwards the war in California was closed by capitulation and a surrender to the United States. Col. Pico soon came to appreciate the heroic qualities of the American soldiers, and formed that strong attachment for Gen. Fremont which he ever afterwards manifested.

Upon the calling of the Convention at Monterey to form the Constitution of California, in 1849, Col Pico was elected a delegate from Santa Clara county, and took his seat in that body, and was a useful member in its deliberations: was appointed Prefect by Gov. Burnett, and in 1850 was elected a member of the General Assembly from

Santa Clara county. In 1856, upon the organization of the Republican party, and the nomination of Col. Fremont for the Presidency, Col. Pico united with that party, and did much to secure the California Spanish vote to the support of the Republican ticket. On the first nomination of Mr. Lincoln for the Presidency, the California Republican State Convention selected Col. Pico as one of the Republican candidates for Presidential Elector, to which office he was chosen by the people at the subsequent election. Mr. Lincoln, after entering upon the duties of his office, appointed Mr. Pico Receiver of publie moneys at the land office in Los Angeles; but as the duties of the office required him to be much absent from his family, he soon resigned it.

Col. Pico died at his residence at San José on Sunday morning, May 23d, 1869. Four months thereafter, his mother died at Castroville—having attained the great age of ninety-eight years. The old lady left more than a hundred descendants and probably a thousand relatives to mourn her death.

Like so many of the race to which he belonged, Señor Pico was physically an extremely handsome man. Of commanding presence and courtly address, he impressed the stranger as one of the finest samples of that noble Spanish type which is yearly becoming more rare. Upon the more intimate acquaintance which was enjoyed with his generous hospitalities, one was impressed by the goodness of heart, simplicity of character, fine sense of honor, and that sweetness of disposition which is the perfection of manliness, rather than by the dignity of exterior which first commanded attention. These very virtues and excellences in Señor Pico contributed to cast a shadow over the closing years of his life. In the early American days, by abuse of his confidence and betrayal of his trustfulness, he was stripped of his princely possessions, and was subjected thereafter to feel the mortifications and bitterness of one who had been despoiled through the means of all which he knew to be best and noblest in his being. He held aloof, as far as his strong human feelings and nature would permit, from Americans, to whom his

misfortunes were due, never learning their language nor associating upon a basis of intimacy save with a proved and chosen few. Although he opposed them patriotically upon their invasion of his country, he was one of the first of prominent and influential Californians to come forward, upon the conclusion of the treaty of Guadalupe Hidalgo, to accommodate himself and those of his countrymen who looked to him for example and counsel, to the new order of things. It is believed that his many troubles aggravated the heart disease to which he finally succumbed. He left a reputation unsullied, a name which has been honored in his life, a wide circle of deeply attached friends, nor—as we believe—an enemy on the face of the earth.

WILLIAM MORRIS STEWART.

MR. STEWART was born in the State of New York, in the year 1827. He is the oldest son of a numerous family of brothers and sisters. His parents are native-born Americans, of remote English or Scotch ancestry. During the War of 1812, his father enlisted as a volunteer from the State of New York, serving during a portion of the war, and until honorably discharged. He is now a pensioner of the government, and in the enjoyment of faculties still unimpaired by the ravages of time.

In early youth, Mr. Stewart worked upon his father's farm, his ordinary avocations and every-day life being little different from that of other boys under similar circumstances. An ardent desire for the acquisition of knowledge was one of his leading characteristics, and for the accomplishment of this end, all his spare time was employed in the study of such books as could be procured in the neighborhood of his home.

After passing through the usual routine of work and study, (at a time when public schools were neither so numerous or so thorough as now) Mr. Stewart, by combining his own earnings with judicious pecuniary assistance furnished by friends who took an interest in his progress, was enabled to enter Yale College as a regular student. At this seat of learning he remained for about three years, managing in that time, by close study, to master a course which generally occupied a longer period. Mathematics was his favorite pursuit, and in this branch he acquired such extraordinary proficiency that his assist-

ance was required in the preparation of a mathematical work upon which one of the professors was at that time employed. His Alma Mater afterwards conferred upon him an honorary degree, in recognition of his early diligence and subsequent eminence.

When Mr. Stewart left Yale College, the excitement concerning gold discoveries in California was at its height, and he caught the contagion. After making a few necessary preparations, he started for California in 1849, arriving at San Francisco in that year, in time to take an active part in those measures which prepared the way for an admission to the Union. Mining was then the occupation to which a large part of the population were devoted, and in a short time Mr. Stewart found himself at work in the mines. He followed this pursuit for some years. Then, having determined to study law, he made application to Hon. John R. McConnell, then in the full tide of a lucrative practice at Nevada City, Cal. The enthusiasm and zeal of the young man was a sufficient earnest of that unflinching energy and close application so essential to the successful prosecution of legal studies. His personal appearance at the time of this application was anything but prepossessing: he was attired in buckskin pants, heavy boots, slouch hat, and such other garments as generally completed a miner's costume; but this rough exterior could not conceal that native hue of resolution which animated his whole appearance. Arrangements, satisfactory both to pupil and preceptor, were made, and preparations for the bar were commenced immediately. These were carried on with characteristic perseverance for the space of three months, at the end of which time he applied for admission, was subjected to a rigorous and searching examination, was declared to be qualified, and a license to practice granted forthwith. Shortly after becoming a full-fledged attorney, he was elected a Justice of the Peace, and discharged the duties of the office without "fear, favor, or affection." Though the questions that came before this petty tribunal were generally unimportant, they were always decided on principle; and the correctness of these decisions is evi-

denced from the fact that they were rarely reversed on appeal.

After serving one term as a Justice, the ambition for more exalted fields of labor, together with an aptitude for business which had already been exhibited, led to the formation of a partnership between Mr. Stewart and his old preceptor. During a portion of the time which this partnership lasted, Mr. McConnell held the office of Attorney General of the State, and being at one time compelled to be absent, he selected his partner to fill his place until his return.

For the successful conduct of important criminal cases before the highest judicial tribunal of the State, and for the preparation of sound legal opinions upon mooted constitutional questions, no mean order of ability is required. It is therefore no small tribute to say that he performed his duties in a manner such as to meet with the universal approval of the people, and to add increased lustre to a rapidly advancing reputation. At about this time, Mr. Stewart was married to the third daughter of Gov. Henry S. Foote, of Mississippi, and shortly after this event the partnership between Mr. McConnell and himself was dissolved by regular limitation of time.

Mr. Stewart then commenced to practice for himself. That there is always room at the top of the ladder of fame, however much its approaches may be crowded, was with him an appreciated maxim, and it is no matter of wonderment that we see him disputing the place for precedence with older and more experienced practitioners. Force of will, celerity of action, indomitable perseverance, strict integrity, and a restless energy that could never be quieted, are qualities which Mr. Stewart possessed, and it was these attributes which enabled him to take a high place at the bar, even at the very outset of his career—a place which he always maintained, never losing an inch of ground once gained, but steadily pushing forward towards the very front ranks of the profession. At this time business was becoming somewhat stagnant at Nevada City; many important mining suits

had been settled; and but few real estate cases of any magnitude were likely to arise in a country where titles were unclouded and local resources were but beginning to be developed. Hence a better location was to be found, and Downieville, Sierra county, was the chosen place. A removal was accordingly effected in the year 1857.

Here, among comparative strangers, the struggle for professional advancement and its unfailing emoluments was renewed with unabated vigor. Immediate employment on one side or the other of every important case, a high reputation for professional skill, and a leading position at what was then a very able bar, are indicative of his standing at this time; but Downieville soon shared the fate of other mining towns, and settled down from a state of undue excitement to a condition of comparative quietude: it was no longer the place for an active, enterprising, and rising young man.

Fortunately at this juncture (1859) the discovery of extensive silver mines at Washoe afforded just the opportunity for a man of Stewart's composition to reap riches and renown in an almost incredibly short space of time. It did not take long to decide so vital a question, and a second removal was effected with commendable promptitude. This move was made just in time to meet the flood of immigration which shortly after began to flow towards the region hitherto regarded as a mere barren waste, but now believed to teem with exhaustless mineral wealth. From the confusion which ensued, sprung endless litigation. Disputed boundaries, priority of locations, non-compliance with legal forms, the mutual rights of holders of adjacent claims—these and kindred questions were the fruitful parents of numberless lawsuits. This was just the location for a man possessed of great fertility of resources and willing to encounter any obstacles, which were generally surmounted by the pertinacity with which they were met. Here was a battlefield where new and untried expedients were more likely to eventuate in success than a strict compliance with long established precedents; where celerity of movement

was of more effect than regular approaches; where Napoleonic genius falsified all military maxims. There were few precedents for information of lawyers or the guidance of the bench. Some of the questions which arose were novel, and many of them very intricate. Some had never before arisen, and others had been passed over without definite decision. There was no reasoning upon such cases from analogy: they must be decided each upon its own individual merits and the circumstances under which it arose. Difference of situation led to conflicting decisions. From chaos must be educed a system of order; from a confused mass of decisions, evidence, and opinions, must be formed a steady and unvarying rule of law.

It is no flattery to Mr. Stewart, still less is it an injustice to his compeers, to say that he contributed as much towards this result—towards forming a correct system of jurisprudence for the State of Nevada—as any one lawyer within the borders of the State. An extensive practice necessarily made him acquainted with all important points which arose. The "one ledge theory," a mixture of law and geology, was a proposition advanced by him, and demonstrated in many instances.

Mr. Stewart never argued a case without preparation: by conversing with witnesses, and a careful examination of authorities, he made himself familiar with every issue which could by possibility arise, so as never to be taken at a disadvantage. An anecdote related by Dr. Merritt of Oakland, in Mr. Stewart's presence, is illustrative of his character. The Doctor was in Virginia City attending to some legal matters, and was recommended to consult with Mr. Stewart before commencing suit. The parties were introduced, whereupon Mr. Stewart said, "Well, Doctor, state your case." The Doctor then commenced, but had not proceeded far when he was interrupted with the inquiry, "Have you a witness to prove that fact?" An affirmative answer, and the Doctor went on with the statement, but was frequently interrupted during the course of his narrative with the same interrogatory. At length the conclusion was approaching, when Dr. Merritt stated a fact upon the proof of which

the whole case hinged, when Stewart again asked, "Have you a witness to prove that fact?" "No." "*Then you must go right out and get one.*" This anecdote, although probably overdrawn as to the mendacity of witnesses or the readiness of lawyers to use perjured testimony, is yet strikingly illustrative of that determination never to go to trial with the risk of a surprise, and consequent discomfiture.

When a case was ready for court it was conducted towards its conclusion with the same assiduous zeal which marked its preparation. Truth was drawn from the lips of an unwilling or an interested witness, more by force of will and an accurate knowledge of human nature, than by subtle rules of logic or a confusing mode of examination.

As a forensic speaker, Mr. Stewart is a man of marked ability. He argues a case closely, never leaving the main point for the sake of saying a fine thing. His speeches, considered merely as compositions, are not calculated to impress one with the ability of the speaker. They are clear, methodical, almost entirely devoid of ornament, especially that of a meretricious character, but yet they are forcible and convincing, addressed to the understanding rather than to the imagination of his auditors. When occasion requires a display of rhetorical skill or oratorical powers, his speeches differ from a mere juridical argument. In summing up his character as a lawyer, we may truthfully say that he is an eminent one, especially in that department—mining law—to which his attention has been most closely directed.

At this period of his life (1860, '61, '62) he was eminently successful. Business poured in upon him to such an extent that he was frequently compelled to refuse important suits. Up to this time, he had taken but little part in politics, preferring the pursuit of a practice which yielded an enormous revenue, and a plenitude of renown. But a lawyer *in esse* is a politician *in posse;* good lawyers generally expect to go to Congress; Stewart was no exception to the rule; yet his transposition from the bar to the Senate chamber was due as much to

the desire of the people to employ trained ability, as to his own ambition for political preferment.

For the reasons before enumerated, he was elected one of the Senators from Nevada, at the first meeting of the Legislature for the ratification of the constitution, a position to which he was reëlected in 1869. That energy and activity which wins for its possessor a place in the front rank of advocates in a mining State, is duly appreciated in Congress, where industry is a commodity valued in proportion to its scarcity.

Prior to the war, and indeed ever since Mr. Stewart attained his majority, he had been a Democrat, in full affiliation with the leaders of the party, and an earnest advocate of its leading doctrines. He voted for Breckinridge in 1860.

After Mr. Lincoln's election, when all chances for a peaceful settlement had vanished, and an adjustment of sectional differences could only be effected through the arbitrament of the sword, Mr. Stewart unhesitatingly severed his connection with his old political associates, and allied his fortunes with those who were for a vigorous prosecution of the war. Nevada was admitted to the Union during the days when the storm of war raged fiercest; when the cries of those who sought for peace were drowned in the general uproar for war, and it is not strange, therefore, that she sent men whose "voices were for war" to represent her in the national councils. Gov. Nye and Mr. Stewart, both uncompromising Union men, were elected at the first meeting, and were both retained for a second term of office.

Since Senator Stewart's entrance into political life, his course is known to the whole country. Before the conclusion of the war, there was but little opportunity for a new-comer to display his abilities, as the plan of offensive operations had been determined upon, and was undeviatingly pursued. With the close of the contest, affairs were changed, and an opportunity for distinction was open, such as is seldom offered. A new system of tactics was to be followed; the relations of the States had been suspended, but not entirely dissolved; to heal animosities engendered

by a long and bloody war; to reëstablish the authority of the general government, without unnecessary harshness to the Southern States; to restore harmony and good feeling between the two sections by the enactment of enlightened laws; to fix the political status of the emancipated negroes; to temper justice with mercy, and angry passions with a leaven of magnanimity, required qualities which go far towards forming high-minded statesmanship. At this conjuncture, Senator Stewart offered his "Universal Amnesty and Universal Suffrage" resolutions, which he vigorously supported with his voice and vote. There can be little question but that if those resolutions had been adopted the vexed question would have been speedily and definitely settled. The fate of these resolutions is too well known to require comment. At this period, Senator Stewart maintained close personal relations with President Johnson, and gave an undivided support to the leading measures of his administration. Unfortunately for the whole country, a humane and magnanimous policy did not prevail, and harsher measures were decided upon.

Senator Stewart was elected as a Republican at a time when sectional hostility was at its height; but since his entrance into the halls of Congress, had not advocated extreme measures, and hence could not in strictness be termed a "Radical." But party lines were closely drawn, and a choice must be made. Senator Stewart readily gave his adherence to measures introduced by Republicans, though they were somewhat in conflict with former expressed opinions. This partial change of opinion arose from two causes: a conviction of previous error, and a belief that more extreme measures were necessary for the salutary treatment of the reconstruction question. He has since given his undivided support to those Congressional enactments known as the "Reconstruction Acts," commencing with the "Civil Rights Bill," and ending, for the present, with the "Fifteenth Amendment." Of this latter document, upon which has been exhausted the language of panegyric or invective, according to the political tenets of the commentators, Senator Stewart is, we believe, the author; and however much it may be

decried as a public measure, no one can fail to admire the simplicity of a document which accomplishes, within the compass of two lines, a purpose which has been advocated by able partizans ever since the formation of the government. It is the concentrated essence of the doctrines of the original abolitionists and emancipationists.

Mr. Stewart, though before known as a moderate Republican, was an advocate of the impeachment of President Johnson, and worked and voted with the thirty-five senators who declared the President guilty as charged. He was never classed as one of those whose vote was in the least degree doubtful. He possessed the confidence of his associates, as is evidenced from the fact of his appointment upon the "Judiciary" and other important Congressional committees.

But whilst devoting so much time to national affairs, he has not neglected matters of moment to the people of this coast. The Pacific railroad has at all times received a large share of his attention, and he has contributed every thing in his power to the completion of an enterprise of so much importance to the people of this section of the Union. Other lines of railroad have also derived benefit from his efforts, for it is but recently that he has contributed a large share of his time towards the completion of a plan for a railroad through the San Joaquin Valley.

Every measure having for its object the development of the mining regions, lessening the hardship of the inhabitants, or contributing to their greater security and comfort, has met with his hearty support. The establishment of complete postal facilities, those great civilizers, has been an object of especial care. He was an early and earnest advocate of Chinese immigration.

In Congress, Mr. Stewart is looked upon as an able and efficient member. His speeches are marked more by force than fire: like his forensic efforts, they are almost entirely devoid of ornament, reaching conclusions less by artificial refinements of logic, than concise arrangement, and simple brevity of statement.

In personal appearance, Senator Stewart is rather a

striking looking personage: he is considerably over six feet in height, and rather stout, without being inclined to corpulency. He has light hair, a clear, blue eye, and a long, flowing beard. He is just approaching middle age, and in the full enjoyment of a vigorous manhood. Socially, Mr. Stewart is pleasant and affable, without being familiar; dresses plainly, without ostentation or show, holding himself aloof from no one, however humble his condition may be. He has implicit confidence in those by whom he is surrounded, and this trait has more than once been the cause of unfriendly impositions.

Taking success as a criterion of merit—a generally accepted rule—we can safely pronounce Senator Stewart a great man. The writer of this hasty sketch is aware of the fact that there is but a slight line of demarcation between the office of a truthful biographer and that of a mere servile adulator. Looking from the standpoint of justice, however, and free from political or personal bias, he has endeavored to do simple justice to a personage with whose public acts the people are already familiar.

HUGH P. GALLAGHER.

BY P. F. P.

REV. HUGH P. GALLAGHER was born in the County Donegal, Ireland, in the year 1815. From his tender years he manifested a desire to devote his life and energies to the sacred ministry. He was distinguished for his assiduity and rapid advancement in English and classical learning. When quite young he left his paternal home with letters dimissory from his bishop, to seek a new and wider field in which to labor in the cause of religion. He landed in America in 1837, and immediately entered the Theological Seminary of St. Charles Borromeo, in Philadelphia. Shortly afterwards, he was appointed Professor of the Latin and Greek languages in that Seminary.

Whilst prosecuting his ecclesiastical studies in that institution, he possessed advantages of which he did not fail to profit. At that time, Most Rev. F. P. Kenrick, the late Archbishop of Baltimore, whose literary fame is not limited by the boundaries of our Continent, but holds high place in every kingdom of Europe, was President of the Seminary. His brother, the Most Rev. Peter R. Kenrick, the present venerable and learned Archbishop of St. Louis, was Rector of the Seminary. Rt. Rev. E. Barron, afterwards Bishop of Liberia, in Africa, was Professor of Moral Theology, and Rt. Rev. M. O'Connor, the first Bishop of Pittsburg, Professor of Dogmatic Theology. These illustrious men, by their writings and missionary labors, have done much to place the Catholic Church, in the United States, in its present elevated and

dignified position. Under the instruction and influence of such tutors, did our young Levite live and learn, during his whole collegiate career, until he was elevated to the priesthood in 1840.

From this date, Father Gallagher, as we shall now call him, entered upon the duties of a Catholic Pastor. He was appointed, for his first Mission, to the parish of Pottsville, at that time one of the largest and most important congregations in the interior of Pennsylvania. Here was a field wherein to exercise his zeal. This was the centre of the great coal district of Eastern Pennsylvania. Thousands and tens of thousands of operatives had gathered there from every quarter of the globe. Many of them were addicted to the frightful vice of intemperance, the prolific source of broils, fights, bloodshed and murder.

Father Gallagher's compassionate heart was moved by the misery and scandal produced by these excesses, and he resolved to use his utmost efforts to stem this tide of vice and immorality, which threatened to sweep over the land, bringing ruin and desolation in its course. With the skill and prudence of a more matured experience, he commenced a course of instructions on the virtue of temperance. He spoke with such paternal affection and pleaded with such pathetic earnestness, that more than five thousand hardy miners came forward and pledged themselves to total abstinence from all intoxicating drinks. The improved condition and regularity of conduct of these teetotalers had a happy influence in winning over many of the votaries of inebriety to enlist under the temperance banner.

In the following year, Father Gallagher was appointed to govern a parish in western Pennsylvania. Here also his efforts in the cause of temperance were crowned with success. His labors were of the most trying character, as he was obliged to travel over a great extent of country to visit the different congregations entrusted to his pastoral charge. One of a less robust constitution would have succumbed under the incessant calls made on his time, both by day and night. All Catholics, who are sick

and dying, have a right to the services of the priest at whatever hour he may be called. It was not an unfrequent occurrence with Father Gallagher, after being worn down and exhausted with the arduous labors of Sunday, celebrating the late Mass, preaching, teaching the catechism, singing vespers, instructing the young and ignorant, and in various other duties, to be called out in a pitiless storm, to visit a dying person some fifteen or twenty miles distant, and to make this journey not unfrequently on a trackless road over snow-clad hills.

In 1844. Father Gallagher was called by his ecclesiastical superior to Pittsburg, to take charge of the Theological Seminary. His duties here were of no ordinary kind, for he was not only the President of the Institution, charged with its management and discipline, but occupied different chairs of instruction, and at the same time had care of a large parish. About this time, a concerted opposition to the Catholic Church and to the rights of Catholics, citizens of the United States, was organized under the name of the Native American Party. The Churh, her institutions and her teachings, were maliciously misrepresented, and Catholics were held up to the scorn and contempt of their fellow-citizens throughout the land. The press and the pulpit were equally fierce and unjust in their attacks on Catholics. Pittsburg was without a newspaper to defend the rights of Catholics, or to give an honest and fair statement of the doctrines and discipline of the Church.

Under these circumstances, Father Gallagher was waited on by many prominent citizens, who earnestly solicited him to coöperate with them in establishing a paper devoted to the exposition of the real doctrines of the Catholic Church, and to its vindication from the multiplied slanders and calumnies of a misguided press. The financial part of the undertaking they promised to attend to, provided Father Gallagher would undertake the editorial department. Weighed down, as he was, by his numerous occupations, he might well have refused this new burden; but not so: the interests of the Church, of his fellow-Catholics, and the enlightenment of his fellow-cit-

izens generally. demanded his aid, and he would not, even if he could, resist their imperative appeal. The *Pittsburg Catholic* was then established, and, under the editorial management of Father Gallagher, attained an enviable reputation. Its influence was soon felt. The fires of religious intolerance were subdued, the voice of calumny silenced, the bitterness of fanaticism mitigated, and men blushed for the ignorance by which they were impelled to acts of violence and injustice. Peace and good will succeeded to strife and hatred. These happy results were due, in a great measure, to the course which Father Gallagher adopted. The editorials of the "*Catholic*" were plain, clear, outspoken expositions of doctrine, whilst the answers to assailants were the embodiment of Christian charity, pitying rather than censuring, the deluded spirit which animated them. The demon of discord and religious animosity disappeared, we hope never again to visit our land, fanning the flames of burning churches, asylums, or convents.

This great task being accomplished, Father Gallagher was called on by his bishop to complete the work commenced by the Reverend and illustrious Prince Gallitzen, in Loretto. Prince Gallitzen belonged to the noble house of Gallitzen, in Russia. Honors, position and fame awaited him, had he remained in the Greek Church; but this his conscience forbade: for after examining all the arguments, *pro* and *con*, and devoutly and perseveringly imploring the assistance of Divine light, he was convinced that the Roman Catholic Church was the only Church which had claims to Divine origin. He, therefore, renounced honors, country and home, to become an humble missionary in the then wilds of Pennsylvania. His work was blessed by Almighty God. A flourishing congregation grew up under his pastoral care. To succeed such a devoted missionary and carry on his great undertaking, was Father Gallagher now called. He set to work with an indomitable spirit, that neither knew nor courted repose.

The mantle of the illustrious Gallitzen had fallen on a worthy successor. The work of his ministry was bless-

ed, and diffused blessings. As the congregation was growing large and important, it became necessary to establish schools. To this end, Father Gallagher purchased an extensive tract of land, and erected thereon a commodious building for a boarding and day school. He invited the Sisters of Mercy to take charge of it, which invitation they accepted; and in a very brief period, he had the satisfaction of witnessing St. Aloysius' Academy for young ladies in full operation, crowded with boarders and day scholars, diffusing the blessings of a sound moral and religious education.

The male children were now to be provided for. The energies of Father Gallagher were again taxed to supply this desideratum. For this purpose he devoted a large farm belonging to the church, and had the necessary buildings erected. This for him was an easy task; but how was he to procure teachers? A merciful Providence, which seemed to guide and bless all his undertakings, came to his relief. A community of Franciscan Brothers in Ireland had determined to found a home of their Order in the United States. This coming to the knowledge of Father Gallagher, he immediately invited them to Loretto; whither they came and opened the St. Francis' College. This school now ranks among the foremost of educational establishments in the East. The Legislature of Pennsylvania chartered it, conferring on it University privileges. Its graduates now shine bright among the *literati* of the Atlantic States. These two institutions are proud monuments of the zeal of Father Gallagher in the cause of education. The labors of our good Father in this portion of the Lord's vineyard culminated in the erection of a magnificent church, whose massive walls and lofty spires will proclaim "His praise from generation to generation."

In 1850, the Rev. Father, with that indefatigable zeal which characterized him, started a Catholic newspaper at Summitville, Cambria County, Pennsylvania, called the *Crusader*, aided in its editorial management by the late Rev. Thos. McCullough, and the Right Rev. Dr. Mullen, present bishop of Erie. As the name imports, these gifted

divines did good service as soldiers of the cross; and the various articles from their pens were written with such eloquence, boldness and force, as to challenge the admiration even of the enemies of the Catholic faith. Any one on this or the other side of the Rocky mountains, who perused them, will bear testimony to the fact, that they have not been surpassed, if equalled, in any Catholic publication of our day.

In the year 1852, he was appointed Theologian to the First Grand Plenary Council of bishops, held in the City of Baltimore. Our own venerable and learned archbishop, Alemany, who was in attendance at the Council as bishop of Monterey, was most solicitous to obtain the services of a pious, learned and zealous priest to aid him in establishing the Church on a solid basis on these shores, whither were coming people of every clime, attracted by the golden yield of river beds and mountain sides. Our illustrious prelate's keen perception was not slow to single out Rev. Father Gallagher from among the many holy and devoted priests invited to the Council. He earnestly besought the Reverend Father to join him, placing before him the great wants of his diocese, the immense field of labor in it, and the incalculable good to be accomplished. These arguments had their weight; but how could he leave a parish where so much had been done, and yet much more was to be accomplished; where he was beloved and revered with filial affection? Rt. Rev. Dr. O'Connor had already yielded an unwilling consent to the solicitations of Bishop Alemany for a temporary absence of Father Gallagher, who, ever willing to make any and every sacrifice where the glory of his heavenly Master was to be extended, and the welfare of his neighbor to be promoted, consented to the importunities of the Archbishop, and immediately made preparations to set out to his distant and laborious mission. The prayers of thousands, for whose spiritual benefit he had so successfully toiled, like the odor of sweet incense ascended to the throne of grace, entreating, imploring new benedictions on the work of the devoted pastor. The lisping supplication of innocent childhood joined with the trem-

ulous petition of old age, and the earnest prayers of strong manhood, besought the Giver of every good gift to bless and protect their zealous and self-sacrificing pastor. The efficacy of such intercession was made manifest by the subsequent career of Father Gallagher. It seems a work of supererogation to speak to Californians of his life, his labors and success; thousands are willing witnesses of all that we may assert.

Immediately after his arrival in this State, in the fall of 1852, he proceeded to Benicia, where, as yet, there was no Catholic Church. He took instant measures to procure a lot. He was fortunate in obtaining the site on which the present church stands. The lot being secured, it became necessary to open a subscription for the erection of a church. The Church of Benicia was the first fruit of the labors of Father Gallagher, in California. Subsequently, he visited Shasta and Weaverville, in both of which towns he obtained lots on which to erect churches; he also started collections for building them. About this time, he was appointed to the charge of St. Francis' Church, in San Francisco. As the Catholic population of the city was rapidly increasing, there was not sufficient church accommodation to supply its requirements, and Father Gallagher made considerable additions and improvements in St. Francis' Church. Archbishop Alemany now resolved to build the cathedral of St. Mary, a determination with whom was equivalent to its realization. He called on Father Gallagher to assist him in this gigantic undertaking. How could he fail, thus aided? The work was commenced and carried on until St. Mary's Cathedral now stands a stately monument of the noble generosity of the citizens of San Francisco, and an imperishable testimony of the zeal and energy of the good Archbishop and Father Gallagher.

Whilst engaged in carrying on the cathedral, our Reverend Father found time to visit other portions of the diocese, and exert his influence. Thus he secured in the beautiful city of Oakland, by his personal influence, the large block on which the Catholic Church now stands. With his usual zeal he opened a subscription for a church,

which was crowned with his accustomed success. At this time also he had charge of the important mission of Sacramento, the duties of which he performed satisfactorily and successfully.

His untiring energy was afterwards to be exerted in a new field. With the approbation of Archbishop Alemany he undertook, in 1853, the publication and editorial management of the *Catholic Standard* in San Francisco, which did good service in the cause of religion and morality during its brief career.

Thus was the time of Father Gallagher constantly and usefully employed in the great work in which his heart and affections were centered. To labor for the glory of God and the benefit of his neighbor, was the sacred and inspiring influence that caused him to quit his home and country, to sunder the bonds of love and reciprocated affection which united him to his dear congregation in Loretto; and this heaven-born zeal now guided him in all his undertakings. Though frequently obliged in the interests of the church, morality, and benevolence, to mingle with public and prominent men, he ever obtained and preserved the respect and esteem of all political parties; for he rose far above all party distinctions or sectional feelings. Thus whatever right, favor or privilege he sought was gracefully conceded. Such was the confidence in his integrity, even among those who differed from him in religious belief, that they earnestly coöperated with him in every measure for which he claimed their assistance.

The growing wants of the church in this State imperatively demanded renewed exertions to meet its claims. The members of the priesthood were few and entirely inadequate to the labors required of them. Religious institutions were limited in number. There was no hospital or other religious charities through which to diffuse the blessings of religion. To provide for all these wants which pressed heavily on the heart of the good Archbishop, he requested Father Gallagher to visit the Atlantic States and Europe, and in his name to make arrangements for securing the services of faithful and zealous priests and some religious communities. He left San

Francisco for this purpose on the 1st of December, 1853, and his success on this mission surpassed the brightest anticipations. Several priests, animated with a holy ardor, volunteered to accompany him to the distant shores of the Pacific; fourteen students were placed in ecclesiastical institutions in Europe to complete their studies and fit them for the great work of the ministry in California. A community of Sisters of Mercy, numbering several members, who had adorned the highest social circles in Ireland, in a spirit of self-sacrifice listened to the irresistible appeal of Father Gallagher, and cheerfully left their homes to minister to the wants of the stranger in the far off West. With what fidelity they have discharged this sacred duty, the whole people of San Francisco can testify; for they have witnessed their self-denying labors at all times, and more recently the noble heroism with which these ministering angels rushed to the rescue of the plague-stricken patients during the small-pox epidemic of 1868–9. A community of Sisters of the Presentation generously volunteered to dedicate their lives for the benefit of the rising generation of California. Thousands of young ladies in San Francisco have already experienced the advantages of the teachings of these good Sisters. Whilst they have been instructed in the highest grades of polite literature, they have been trained gently in the paths of virtue, purity and modesty, to shine as bright ornaments in society.

Such was a portion of the work of Father Gallagher during his visit to Europe. He received, besides, pecuniary and other assistance for the church in California. The ex-Emperor of Austria, Ferdinand, gave him a generous donation; and from various other parties he received presents of vestments, chalices and other church furniture to a very large amount. The diocese reaped a rich return from these labors of love.

It was then the intention of Father Gallagher to return to his dear congregation of Loretto, and there pass the remainder of his days in the quiet discharge of his priestly duties; but, at the urgent solicitation of the Most Reverend Archbishop Alemany, he was prevailed upon to

make the sacrifice a second time, and sunder the ties which bound him to his cherished home.

The great panic which seized our whole population in 1855, in consequence of the failure of Adams' Express and Banking Company; the immense losses sustained by the mining and working classes by that bankruptcy; and the want of confidence in other moneyed institutions, directed public attention to Father Gallagher as one in whose sterling integrity any and every trust might be reposed. Hundreds called on him requesting, nay begging him to take on deposit for safe keeping their hard-earned savings. His was not the heart to resist the entreaties of these good people, some of whom had been swindled out of the gains of years. Although he consented to be the guardian of the fruits of their toil, it was with extreme reluctance, for his duties in the ministry occupied almost every moment of his time. He was unwilling to be mixed up in financial affairs, knowing with what a jealous eye his every act would be scanned by a community which had just passed through a crisis in which thousands had been reduced to destitution and beggary. His only thought was to benefit those confiding people to the best of his ability; and, great as was the demand on his time and energies, he was ready to devote himself to the advantage of the community. Depositors, with sums varying from fifty to hundreds and thousands of dollars, crowded in upon him. His little room, which heretofore was sacred to study and repose, was now converted into a Banking office, without the many salaried clerks generally found in such institutions. Father Gallagher alone performed all the duties of Receiver, Paying Teller, Treasurer, Book-keeper and President—all without fee or reward, except in the conscious satisfaction that he was laboring honestly and successfully for parties, whose confidence and esteem were more precious than gold. A busy scene was his little room each day, as some came to deposit, and others to draw money. Millions thus passed through his hands, every dime of which has been fully and satisfactorily accounted for.

Such constant attention to these matters and his many other occupations began to make inroads on his con-

stitution; his failing health warned him that limits must be put to his labors, or he would soon fall a victim to his zeal. He settled up his accounts with all interested, and retired from this business with the benedictions of all who had been depositors. Few men in this venal age can present a brighter or more enviable record.

Tired and worn out with the labors of the preceding year, the Reverend Father was compelled to leave the city and retire for a while to the country, with a view to repair his health and reinvigorate his exhausted energies. In May, 1860, he proceeded to Yreka for this purpose; but his indefatigable zeal and active mind would not permit him to take that rest so necessary to exhausted nature. He had not been long there before the religious wants of the poor people appealed to his feelings, and in a very short time he obtained a large lot, and transformed the capacious house of Gen. Colton into a temporary church.

In August, 1860, he set out for Washoe, which was then looming in the distance as the great resort of the miners of the Pacific coast. When there, he found "the harvest rich but the laborers few;" and at once went to work and erected three churches—one at Carson, one in Virginia City, and one in Genoa—to each of which was attached a large lot of ground, and a cemetery to the one in Virginia City.

In 1861, with the approbation of Archbishop Alemany, Father Gallagher undertook to supply the increasing demand for church accommodation in San Francisco. While looking for land for this purpose he was presented by Hon. Horace Hawes with the large lot at Tenth and Howard Streets, and erected thereon a church sufficiently spacious as was deemed at that time, to accommodate the congregation for many years; but the rapid growth of the city in that direction soon made it necessary to put up a much larger and more commodious building. The zeal and energy of Father Gallagher were again taxed to provide the funds for its erection. His appeal to the congregation and his fellow-citizens was met with a promptness and generosity, which showed the high esteem in which he was held by them. The new church was quickly com-

pleted and paid for, and the old one converted into a Temperance Hall and School-House. Subsequent additions and improvements to the new church have made it capable of seating a larger audience than any other church edifice in San Francisco. The school accommodations have also been augmented, so that at the present time eleven rooms are crowded with children of the district.

For several years the greatest exertions were required to sustain St. Joseph's school, but as it was a work in which the dearest interests of his congregation were at stake, Father Gallagher spared neither time nor labor to make it a success. We have been present at the examinations and exhibitions of this school, and take pleasure in recording our high estimation of the proficiency shown by the pupils in the various branches of study. The pleasurable emotions which filled the Rev. Father's heart, we could have envied, as this crowd of smiling, happy innocents gathered around him daily. He seemed contented, satisfied, repaid for all the anxiety and labor he had expended on the school. He has thus ranked himself among the first of the promoters of education in San Francisco.

Prominent among the causes of the high appreciation in which Father Gallagher was held by his fellow-citizens, may be placed his unselfish zeal in the cause of education. The true, unfailing way to reach the hearts of parents, is to show a kind, affectionate interest in their offspring; and this Father Gallagher has done so effectually as to secure the confidence and affection of parents and children.

In our notice of Rev. Father Gallagher, we should be adjudged derelict in our duty, did we fail to mention another praiseworthy institution which owes, in a great measure, its origin and present prosperity to his zealous labors. We mean the Magdalen Asylum. The worthy Sisters of Mercy, filled with the spirit of their Divine Master, who, to the penitent Magdalen, said "many sins are forgiven her because she hath loved much," and took her under his special protection, to save her from the sneers and contempt of the proud Pharisee or the no less dangerous solicitations and enticements of false

friends, had already established a home and shelter for the poor fallen daughters of Eve, who wished to abandon a life of sin and infamy, and return again to the paths of virtue and morality. Already had those chaste servants of God rescued many an erring woman and thrown the mantle of charity over their past transgressions and led them in the way of sanctification and eternal life. But their means were limited, and the accommodation insufficient to meet the constantly increasing demands on their charity. It was under these circumstances that Father Gallagher was applied to by the good Sisters, to assist them. At once he sought our venerable Archbishop, and readily obtained permission to undertake the erection of a new building which should serve as an asylum for penitent women. It was thought that an edifice might be constructed of ample dimensions to satisfy the present want, at an outlay of eight or ten thousand dollars; but such a building was not equal to the zeal and charity of Father Gallagher. He started out on his eleemosynary peregrinations, and soon, through the generosity and public spirit of the citizens of San Francisco, had twenty-one thousand dollars at his command. Thus encouraged, he laid the corner-stone of the present beautiful structure on the San Bruno road in 1865, and carried it on to a successful termination. Since the opening of the new Asylum, there have been seldom fewer than one hundred inmates within its walls.

Few citizens can realize the great, noble, and divine work of charity which is silently and unostentatiously carried on by these ministering angels, the Sisters of Mercy. Eight hundred human beings, once the idolized objects of parental endearment, the pride and joy of the household hearth, who listened to the seductive voice of deceivers, had fallen and become objects of contempt, at whom the finger of scorn was pointed—worse than plague spots on the community—lost to society and to God—sunk into the lowest depths of immorality and vice—have been reclaimed, regenerated, restored to society and God, in the Magdalen Asylum of San Francisco, through the patient, gentle, merciful influence of the Sisters of Mercy.

Thus to the exertions of Father Gallagher, hundreds of parents, whose hearts had been wrung by the fall of their daughters, whose hoary heads were hastening to a premature and dishonored grave, are indebted for the Asylum, where their lost ones have been sheltered from the attacks of their enemies, protected from the cold and ofttimes cruel charity of the world, and trained in the glorious paths of virtue and morality. This is effected by the pure, simple, devoted, self-sacrificing lives of those heroic Sisters, as well as by the words of learning and divine charity in which they are daily instructed. As there is joy in the celestial mansions among the blessed spirits which surround the Throne of Grace, on one sinner doing penance, so here on earth the parental hearth and heart have been gladdened, when the poor, weak, frail one has sought refuge in the Magdalen Asylum. A warm, fervent prayer, gushing up from the bruised and bleeding heart, has ascended like the fumes of sweet incense to the footstool of Mercy, in thanksgiving for the return of the prodigal, and in earnest supplication that blessings innumerable should be granted to the Sisters of Mercy, and good Father Gallagher.

It is not our purpose, nor is it necessary, to enter into further details of the labors of this indefatigable divine. Firm and consistent in all the teachings of the Catholic church, zealous and exact in the discharge of his duties as a minister of that church, he has not only secured the approbation and affection of his ecclesiastical superiors and the congregations committed to his care, but has conciliated the respect and esteem of those who differ from him in religious tenets. CATHOLIC in all the feelings of head and heart, he pursues "the even tenor of his way," intent alone in extending the kingdom of his Heavenly Master, and diffusing on earth peace and good will to men. His zeal in the ministry, his distinguished ability and learning, his labors for the promotion of education, his efforts in the cause of morality, and the general success of all his undertakings, entitle him to be classed among the Representative Men of California.

The various articles furnished by Father Gallagher

while acting as editor, prove that he wields a facile pen with force and vigor. Earnest and impressive, he also ranks high as a pulpit orator. The extract which follows this sketch is a specimen of his descriptive powers and style.

Extract from a Lecture on Rome,

Delivered in St. Joseph's Church, Tenth Street, San Francisco, in 1862.

BY REV. FATHER HUGH P. GALLAGHER.

Towards evening of the 13th April, 1854, the Padrone, as he is called (that is, the conductor of our conveyance) directed my attention to an object just dimly visible from that point of the road leading from Civita Vecchia to Rome: it was the great dome of St. Peter's! I felt with gratitude that the day-dream of my life from boyhood was at length promised an early realization. I was soon to stand within the city of Romulus and Remus—the Eternal City, the works of whose historians, poets, and orators, had been the labors of my early years. As I conned each stubborn line of her ancient classics, whether prose or verse, I had to become familiar with her feuds, wars, conquests, treaties, conspiracies, revolutions, changes of government, and laws—even her very topography. It seemed as if I could find my way through the streets of ancient Rome at midnight without a lamp; that I could recognize her heroes, officials, and authors, at sight, and hold familiar converse with them without the formality of an introduction. Whatever fourteen years' companionship with one of the most distinguished graduates and professors of the Propaganda left undone in familiarizing me with the very arcana of Christian Rome, was more than supplied by the accurate description of Baron Geramb; and since I became an ecclesiastic, Christian or modern Rome has been ALL to me.

From the moment I got the first glimpse of the city, I could scarcely withdraw my eyes from it for an instant. Such were my unfounded fears at that moment, that only by identifying my companions could I reassure myself that I must not again experience the disappointment of the morning dream: as the exile far away oft in visions of slumber revisits the home of his childhood, but wakes to disappointment—the loved ones disappearing with his sleep—he refuses to withdraw his eyes or to relax his grasp, determined, this time, from more vivid phantasm to force reality.

That night I slept within the city of the seven hills—the city of the Cæsars—where dwells the visible Head of the Church, the direct

successor of St. Peter, the reigning vicar of our blessed Lord! Betimes next morning, I hastened to gratify my anxious eyes by beholding him. For this purpose, I sought the Sistine Chapel, and was not disappointed. My success, however, in gaining admittance there, where so many were unfortunate, was the result of a lucky expedient. To avoid crowding, tickets of free admission to the Pope's chapel are issued to those who make timely application. This privilege is sought to be monopolized by members of royal families visiting there, foreign ambassadors and their suites. Clergy are admitted, but they must present themselves in ecclesiastical costume—a sutane and clerical hat. In my impatience to be there, I neglected these requirements, and presented myself in my usual apparel. With many others, I was refused admittance by the Swiss guard, who, under the command of Capt. Schmidt, sentineled the entrance. To the remonstrance of a member of the Pope's household in my behalf, the captain's answer was that "his instructions were peremptory." As the rest retired disappointed, I addressed the old commander, now at leisure, quite familiarly in stout Teutonic, his mother tongue. The gallant and warm-hearted old veteran, thinking it too bad that, having journeyed from the uttermost bounds of the earth, I should be disappointed, politely allowed me to pass in, remarking that my slight foreign accent, in the pronunciation of some German words, was doubtless caused by emigrating from Fatherland when young. It was a slight mistake. To have corrected it, would not have helped my purpose; so he enjoyed his theory and I my choice seat in the Sistine chapel.

In the sanctuary just before me sat the sovereign pontiff, Pius the Ninth, surrounded by cardinals and prelates, celebrating the Mass of the Presanctified—the most solemn commemoration of our Lord's passion and death—for it was Good Friday. His hands were joined, his countenance turned gently upwards, and those large, lustrous eyes fixed immovable, as though rivetted on objects beyond the clouds—on the dread mysteries of eternity.

At the proper signal, all engaged in the ceremonies formed in solemn procession, and passed just by me to the Pauline chapel; whence they returned in a few moments, the Pope bearing the Most Blessed Sacrament under a gorgeous canopy. I was but too happy in being permitted to join the procession in which were corporeally present the visible and invisible Head of the Church—Peter and his Divine Master. How amply did the weather-beaten, wayworn pilgrim from the distant Pacific feel rewarded in finding himself, at his journey's end, in the company of Peter, and the Apostles, and the Lord himself! What powerful incentive to his cherished faith, that alone explains the supernatural, to find himself in physical contact with the living link of that unbroken chain that unites him with the Deity! In the consolations of that moment, he felt his holy faith enkindled, intensified, illumined, and rewarded: in a word, the nearest approximation to penetration behind the veil of faith—to the fruition of vision, the realization of the promise, "I am with you."

At three o'clock P. M. of the same day, the same sacred edifice was

thronged by crowds to witness the office of *Tenebrae*, and gratify their love of the marvelous by hearing the world-renowned *Miserere* sung by the Pope's choir. The *Tenebrae* is the ordinary office of those three great days of Holy Week, performed solemnly in the larger churches. The triple or triangular candlestick is placed, having fifteen candles lighted. As the office proceeds, fourteen of the candles are gradually extinguished, indicating the death of the prophets, or the extinguishing of those lights of the people of God. The fifteenth is finally removed behind the altar, indicating the death of our blessed Lord, and the fulfilment of all the prophecies. On its removal, the clergy knock gently on the cover of their books, representing the earthquake that occurred at the moment He expired on the cross. This done, the candle is brought back unextinguished, and replaced, representing that He has arisen, to die no more—the unfading light of the world! This psalm commences as the wailing of a guilty world and its suppliant cry for mercy. Mid the earthquake's rumblings, a solitary voice is heard in deep, pathetic, plaintive tones, crying, "Have mercy on me, O God! according to thy great mercy!" Numberless voices just then become audible, as the spirits of a thousand worlds catching the tone of supplication: "And according to the multitude of thy tender mercies, blot out our iniquities!" At the verse, *Averte faciem tuam* ("Turn away thy face from my sins") the petition is caught up, and wafted higher and higher by different, shall I say relays of voices, as though these souls would carry their supplications to the very feet of the Most High.

While these plaintive notes are dying away in the distance, the tone is caught up by a solitary voice, as of an angel bending down from the skies to receive that petition and lay it before the Throne of Mercy. That voice is listened to, as it flies heavenwards, until it becomes inaudible in the clouds. At that moment, you hear the rapt audience endeavoring to supply by a long inhalation the exhaustion they experienced in following with bated breath the angel's flight. As you enjoy this celestial chant, you hear the full vibrations of the dulcet-toned string and the clear silvery ring of the wind instruments; but it is a deception. There is naught there but the perfected harmony of the human voice: there are no sounds in the Pope's choir but the voices of men!

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H H Haight

HENRY HUNTLY HAIGHT.

HENRY HUNTLY HAIGHT was born at Rochester, in the State of New York, May 20th, A.D. 1825. His ancestors were English on the paternal side, the first one who emigrated to America, Jonathan Teal Haight, having come to New York from England under the old Dutch régime. On the maternal side, he is descended from the old Scottish family or clan of Cameron, his great grandfather, Ewen Cameron—a cousin of the celebrated Lochiel—having come to New York from Scotland in 1790, and settled in the western part of the State. His father, the late Fletcher M. Haight, a lawyer of eminence and distinguished ability, and who was at the time of his death, Judge of the United States District Court for the Southern District of California, was also a resident of western New York, where, with the exception of a few years in St. Louis, he lived until he removed to California in 1854.

Mr. Haight was the eldest son of a large family of children. He entered Yale College at the age of fifteen years, from whence he graduated in 1844; and having decided to adopt as a profession one that had been hereditary in his family for several generations—that of the law—entered at once upon its study in the law office of his father. In 1846, his father removing to St. Louis, Mr. Haight accompanied him, and was shortly afterwards admitted to the bar by the Supreme Court of Missouri. He immediately commenced the practice of law in St. Louis, in connection with his father, and remained there

until late in 1849, when he turned his steps towards the newly acquired territory on the Pacific. He arrived in San Francisco on the 20th of January, 1850, then a small town, its dwellings consisting principally of tents and rough board shanties; and although its population was already large, yet by far the greater portion consisted of persons who were making it but a temporary stopping-place on their way to the mines. Among those, however, whose faith was strong in the future greatness and prosperity of San Francisco was Mr. Haight, and he decided at once to make it his home. He immediately commenced practicing law, first in connection with the late Gen. J. A. McDougall, and later with his father, who had followed him to California. His abilities were soon acknowledged; and young as he was, he soon occupied an eminent position in the front rank of the bar of California, and which he has ever maintained.

From the time of his arrival in San Francisco until the spring of 1867, he has resided and practiced law in that city, with the exception of a short absence in the Eastern States, during which he was united in marriage to a daughter of the late Capt. Bissell of St. Louis.

In 1867, he removed his residence to Alameda county, continuing, however, his law practice in San Francisco, until called by the people, in the fall of that year, to assume the office of Chief Magistrate of the State.

He had never been, with but one exception up to the time of his nomination for Governor in 1867, actively engaged in any political struggle. Occupying the prominent position he always has during his long residence in San Francisco, he had often been pressed by his friends to accept nominations for judicial and other honorable offices, but had invariably declined. Although taking a zealous interest in the affairs of the country and the course of events, he had never, beyond an occasional article from his pen, entered publicly into the discussion of the political questions of the day, until the Presidential campaign of 1864, in which he took part with the conservative party in the support of Geo. B. McClellan.

It would not be proper here to enter into an examina-

tion of the political questions that then agitated the people, and we have but mentioned the subject to show that the course pursued by Mr. Haight and the constitutional principles announced by him in that memorable campaign, were remembered and approved of by the people of California when they elected him Governor of the State three years afterwards by the large majority of nine thousand and five hundred.

He was nominated for that position by the Democratic State Convention that met in San Francisco in June, 1867. He had at first steadily declined to allow his name to be used before the convention, but at last, yielding to the pressing solicitations of his friends, he consented. His name was presented to the convention by the Hon. J. B. Crockett, who prefaced the nomination by the following remarks, to the truthfulness of which any one who has personally known Mr. Haight for any length of time, will cordially assent:

I rise to perform an agreeable duty in presenting for the high office of Governor of the State of California, a gentleman whom I have known from his boyhood. I have known him twenty years; and I can say, truthfully say, that I have never known a truer, better, more honest, or more upright man than he whose name I will present to the convention; a man distinguished for his integrity and perfect uprightness of character in all the walks of life; a man against whom not a word of reproach has been or is likely to be uttered; a man in whose keeping the honor and welfare of the State will be perfectly safe; a man who will be a party to no scheme, who will not yield to any corrupt influences, and who will administer the government of the State with ability, in the spirit of the constitution and the laws; and who will do honor to the office and to the party which elects him. And I do now nominate for the office of Governor of California, Henry H. Haight.

The remarks of Judge Crockett were received with great applause, and Mr. Haight was immediately nominated by acclamation. His principal opponent in the campaign was George C. Gorham, the nominee of the Republican party. The contest was a most spirited and exciting one, probably more so than any previous gubernatorial election that ever took place in the State, not even excepting the memorable struggle of September,

1859. The election resulted in the triumph of the entire Democratic State ticket, Mr. Haight's majority over Mr. Gorham being as already stated.

There is probably no better or surer method of ascertaining the position occupied by a man in the opinion of his fellow-citizens, and the character he bears among them, than for him to become a candidate for some prominent office, especially at a time when party feeling runs high. Every act of his life, and every word that he has ever spoken that can by any known mode of conclusion or misconstruction be made to bear upon the question at issue and turned against him, are immediately blazoned forth in the public journals. Not only is his public life subjected to the scrutiny of his political opponents, but his private life and affairs, and the motives that may have influenced him in any particular matter, are dragged forth and commented upon with perfect freedom. To a reasonable extent, it is right enough that such should be the case, but party zeal often oversteps its legitimate boundary, and engages in systematic defamation and abuse. The man who successfully passes through such an ordeal and escapes therefrom with untarnished reputation, is to be considered something more than fortunate; and no better proof can be adduced of the high moral standard of Mr. Haight than to say, that during the entire gubernatorial contest just alluded to, bitter as it was, no attempt was made to attack his private character.

Gov. Haight was inaugurated December 5th, 1867, and since then has administered the State government with general acceptance. His official term as Governor expires in December, 1871.

Address,

Delivered at Sacramento, Cal., May 8th, 1869, upon the Completion of the Pacific Railroad.

BY GOVERNOR H. H. HAIGHT.

FELLOW-CITIZENS: We meet to-day to celebrate one of the most remarkable events of this eventful age, and whose influence upon the future of our country and upon human destiny it would be difficult properly to measure; one of the grandest triumphs of American enterprise, engineering, and constructive skill and energy of which our history can boast. It ushers in a new era in American progress, and while it is an event of world-wide significance, it is one of special importance to our own country and our own State.

I recollect some years ago looking at a picture, which many of you doubtless have seen, representing a family of pioneers who had accomplished the tedious journey overland, and having reached the crest of the Sierras, stood gazing with enraptured vision upon the magnificent panorama which extended before their eyes in the Valley of the Sacramento. The noble river in the distance seemed like a silver thread meandering through the great valley; the purple summits of the Coast Range rose in front to the westward, and far to the south stretched the fertile plains of the San Joaquin, until in the soft haze of our landscapes their limit was lost in the horizon.

In a metaphorical sense we stand upon such an eminence to-day. Behind us is the rugged journey, with its desert sands, its savage tribes, its cooling springs, making oases, where at times we have rested from our toil; around us is the pure air and over us the blue sky, while within us our hearts beat high with hope and confidence, and before us lies in its beauty the rich prospect of our boundless future.

In looking back over our journey, did time permit, one would be tempted to extend the review beyond our own personal experience, and the history of our own State and country, to note a few of the most memorable epochs which have marked human progress during the eighteen centuries that are past. To trace the history of civilization, however, during this period would require far more than the time now allotted, and is a subject which would task the loftiest powers. Otherwise, it might be interesting to dwell upon those prominent epochs which have signalized the progress of mankind, since the advent of Christianity marked an advance from paganism to theism, and from a religion of forms to one of spirit; from the time when the code of Justinian marked a memorable era in legislation, to the period when Magna Charta developed a new and rational theory of government, and thence to the enlightenment of the present day. This progress, it is true, has not been uniform or constant. The tide has had its ebb as well as its flood. There have been tem-

porary retrogressions in almost every department of human activity—in science, in government, and in religion.

Nations have exchanged places in the scale; some have relinquished freedom for despotic rule, religious liberty for blind superstition, power for weakness, and science for ignorance, while other nations have risen from barbarism to the heights of knowledge, and from small beginnings have attained greatness in the arts and sciences, in freedom, wealth, and power.

The great nations of the present day are none of them ten centuries old. England's greatness dates from the revolution of 1640, before modern civilization had penetrated the domain of the Czar, before the Prussian monarchy or the American Republic were known among the nations, when Spain was the leading power on land, and Holland was mistress of the seas.

Human progress for the last two centuries has known little pause. Dynasties have risen and fallen; revolutions and civil wars have deluged portions of the world with blood; but heretofore good has been evolved out of evil, and, during war and peace, political changes and national vicissitudes, the minds of men have been year by year more emancipated from thraldom, and more active in investigation, and in useful invention and discovery.

In the history of human progress it seems to us as if the chapter devoted to the present century would fill as large a space as the eighteen centuries which have preceded it. It is now but little more than two-thirds gone, and yet what improvements and discoveries it has witnessed. When the last century closed, and for some years afterwards, no steamboat had been built. Nearly a fourth of the present century had passed before railway construction was inaugurated, and nearly half of it was gone before electricity was pressed into man's service, as his messenger to annihilate distance and bring into instant intercourse the most remote islands and continents. Anthracite coal was never used as fuel in dwellings, nor was any city lighted with coal gas until after the year 1800.

Time would fail to enumerate even the most important discoveries and inventions of this century. In locomotion, in the art of printing, in weaving and sewing by machinery, in dyeing and coloring; in hydraulics and optics; in the application to machinery of steam and hot air; in the thousand improvements in fire-arms; in light, lighthouses, and lightning; in photography, from the daguerreotype to the card photograph; in agricultural implements; in cabinet work and house-building; in steam navigation; in ship building; in railways and electro-magnetic telegraphs, with their various apparatus of wire and cable, and printing; in house warming; in lighting streets and dwellings; in metal pipes and tubing; in sewerage and drainage; in cotton, wool, flax, hemp, and silk production and manufacture—in all these and many other channels the minds of men have been busy and fruitful during the sixty-nine years of the present century, until the limit of invention seems to be almost reached and human ingenuity exhausted.

Marshall's discovery of the particles of gold in the mill-race at

Coloma, was the beginning of a great revolution in the commerce and business of the world, and in the nominal value of labor and property. It changed our geography, and gave a new expansion to American ideas. What had before seemed hyperbole, became reality; the empty boasts of stump orators seemed about to be verified by facts. The treaty of Guadalupe Hidalgo had secured us in possession of the fairest, the most genial and fruitful part of the American continent, and as we in our partial judgment think, of the globe. We had almost realized the poet's dream of exchanging our "pent-up Utica" for "the whole boundless continent." We still lacked the British Possessions and Mexico, but we were in the position of one gorged with food and incapacitated from further indulgence, until time was allowed for digestion and assimilation. I speak of a revolution in the commerce and business of the world, and in the value of labor and property. Two substances alone, gold and silver, are an accepted standard of value and a universal medium of exchange. Like all other articles, the intrinsic value of these metals is regulated by the quantity produced, the cost of production, and the demand for their use. The demand has increased with the expansion of commerce, but its increase bears no ratio to the increased supply. The whole amount of gold and silver in the old world at the discovery of America was estimated to be $170,000,000, and the total annual product of gold in the world for some years previous to 1848, was but $20,000,000. At this rate it would have required a century to produce $2,000,000,000. Within the past twenty years there have been added to the stock of precious metals more than this latter sum.

The obvious result would be, as it has been, to diminish the exchangeable value of gold and silver, so that to procure many of the necessaries and comforts of life requires about three times as much money as it did twenty years ago.

This, however, is not the time to weary you with statistics, or discuss questions of political economy. The Oregon and Mexican treaties gave us a new geography; but neither Oregon, with its majestic river, its productive soil, and its "continuous woods," nor California with its healthful and equable climate, was accessible to immigration by any except the roving trapper and frontiersman. Trackless deserts, infested by tribes of Indians, and lofty mountain ranges intervened between the States of the Union and the newly-acquired territory along the Pacific.

The thirst for gold in 1849 and the few following years stimulated a multitude to defy all dangers aud difficulties in the effort to reach the new El Dorado. An almost continuous line of emigrants crossed the plains and reached the Pacific, way-worn with travel, and decimated by famine, pestilence, and massacre. Another army crowded steamers and sailing vessels for the Isthmus of Panama, and encountered the miasma of the tropics and the discomforts of a voyage in over-crowded and ill-supplied vessels. Thus, by sea and land, the stream of adventurers poured into the region of gold. Europe added its contribution, and the penal colonies of Great Britain also—some of which latter was of indifferent quality.

So they came in 1849 and 1850, a vast throng, mostly men in the prime of life, full of adventurous energy—the élite of the enterprise of older countries, carrying with them, in spite of some vicious and dangerous elements, a large infusion of Anglo-Saxon respect for law, order, and constituted authority.

The tract of emigration across the plains was dotted with the graves of those who fell by the way, and in the lack of ordinary comforts multitudes more would have soon found a grave in California but for the salubrity of its climate.

The early emigration was composed of heterogeneous elements. All forms of vice and dissipation were indulged unblushingly by men and women set loose from the restraints of settled society, and freed from the control of a sound public sentiment. There were many noble spirits who labored to lay broad and deep the foundations of religious, educational, and charitable institutions, and to organize Republican government on these shores. Some of them have rested from their labors, leaving behind them monuments more enduring than marble, and some are still pursuing their career of usefulness among us.

In looking back at the past, how checkered is the prospect! Conflagrations have swept our cities and towns with the besom of destruction. The commercial metropolis of the State has more than once been almost wholly destroyed by fire, with no insurance to repair the broken fortunes of its citizens, and the present capital has suffered not only from fire, but from the more appalling disasters of flood. Mercantile embarrassments and disaster, with extreme depreciation of property, were superadded to the ruin wrought by flood and fire.

There are shadows in the picture like all of this world's experience; but in disaster and distress, Saxon and Celtic energy vindicated its claim to supremacy over all the obstacles of accident and of nature. The winter of our discontent has been exchanged for glorious summer, and a stable edifice of prosperity has been reared upon the ruins of our shattered fortunes. No more invincible perseverance has ever been manifested by any community under disheartening circumstances than by that of Sacramento, and her citizens are at last sharing with those of other cities a prosperity beyond that of any former period, and rejoicing in the certainty of a bright future.

For the first year of our California experience, those of us who were here, felt many longings for the old homes and friends we had left beyond the mountains; an intense desire for some rapid and direct communication with the Eastern States, pervaded the mass of the population. It was never absent from our thoughts by day, or from our dreams by night. The lack of it induced many to bid a reluctant farewell to the sunny skies and attractive scenes of California, and seek their former homes east of the mountains.

Our only communication with the East in those days was the Panama steamer, first occasional, then monthly. The journey overland consumed months, and a telegraph or railway during the present generation was looked upon as chimerical. Installments of news

came once a month in the shape of letters, and Eastern papers, forty days old, which were eagerly purchased at fabulous prices.

In the winter of 1849-50, the streets of San Francisco were thronged with miners driven there for shelter from the inclemency of the season. The prevailing style of dress was a flannel shirt in lieu of a coat, and in addition to the ordinary nether garments a pair of long boots, purchased at the moderate price of six ounces, or ninety-six dollars, in gold dust. Most of the large rooms in the city were used as gambling saloons, with the accessories of bands of music and well-stocked bars. Here, day after day, were to be seen dense crowds of men of all nationalities and races, bending in absorbed attention over the gaming table, ignoring all distinctions of race or color in the excitement of play. Comparatively few were without weapons, and yet the number of homicides was relatively small. The sight of a lady was sufficiently rare to cause a street full of men to stop and turn to look at one passing.

The advent of spring dispersed the crowds of miners throughout the mountains, and produced a stagnation for the time in San Francisco. I must not weary your patience by dwelling upon the scenes of the past so familiar in memory to many of you. Suffice it to say, the public gaming-house was soon succeeded by the school-house, the hospital, and the sanctuary. The common law and a code of well considered statutes superseded the vague, uncertain, and strange rules of Mexican and civil law, and Courts organized in accordance with American usages took the place of the unfamiliar and irregular judicial administration of Courts of first instance.

One thing must be said in honor of our people, and it is but justice to say it: no more liberal, even lavish, charities ever characterised any community than those of the people of this State. The direction then given to benevolent impulses will never cease to be felt. It has conferred lasting honor upon our State and reflected credit upon human nature. It was the offspring of circumstances. Men came here strangers, without families and homes. There was a present feeling of mutual dependence. Wealth, too, was easily acquired, and as a consequence lightly esteemed. Open-handed charity was the custom, and the people were educated to give at any time to any worthy object. Hence the benefactions of which California has been prolific, and which are known to the world, and hence the facility with which money can be obtained among us for any worthy or laudable purpose.

California in the early days was known to possess mineral wealth, and this was thought to be her only attraction, aside from climate. The general judgment was that the country was worthless for agriculture. The long drought of summer was thought to render profitable husbandry impossible. On approaching her shores, we were told that the earth became so parched with drought in the dry season that it was rent with fissures, which in some districts rendered journeying unsafe. Trees, it was thought, would perish in summer from lack of moisture.

Such was California in the past, with neither schools, hospitals,

or churches, with few public journals, with no agriculture, no firesides or children, no settled public sentiment, no railways or telegraphs, no ship-yards, wharves, or docks, no public buildings, no manufactures, and no communication with the East except by three small steamships, the germ of our present steam marine.

The country, however, was here, with its cloudless sky and its healthful air, its fruitful soil, its noble harbor and bay, and its watercourses opening access to the two great inland valleys: and the pioneers were here, with faith in its future, with fixedness of purpose, with large hearts and stalwart arms.

This was our past—what is our present? But little more than twenty years have gone, and what has been accomplished?

Look around you, and see these philanthropic and benevolent institutions which now constitute your highest praise. Sanctuaries representing every form of religious belief—Gentile and Hebrew, Protestant and Catholic. A Public School system, well organized and endowed, growing every year in efficiency, placing instruction within reach of all. A University, furnished with ample means for growth, in addition to private institutions of learning. Hospitals, private and public. Asylums for the Insane, for the Deaf, Dumb, and Blind, and for the Orphan. Benevolent associations to relieve the wants of the distressed and suffering, of every creed and nationality. A public press, which for enterprise and devotion to the public interests, is certainly not inferior to that of any Eastern State. Thousands of comfortable homes, in the best sense of the word, with troops of rosy-cheeked children. A sound and discriminating public sentiment. A system of interior railways, well advanced towards completion, which will soon render the most distant parts of the State accessible. Spacious and elegant ferry and river steamers. A well organized citizen soldiery, as a reliance against attack from without or lawlessness within. Telegraphic communication between the commercial centre and every considerable town in this State, and the States north and east. Ship-yards and dry-docks, foundries and factories—lines of steamship, north, west, and south—public buildings for the criminal and the unfortunate. A State Capitol, nearly completed, which for solidity, spaciousness, and architectural elegance, has few equals on the Continent. These are but a part of our present. To present a complete statement within the short compass of an address would be impossible; but there are two things more to be noticed. Agriculture, not mining, is now the basis of our prosperity, the sinews of our commerce and the source of our wealth. The fame of our gold is eclipsed by that of our wheat. Agriculture is daily becoming a greater interest, and gold mining relatively, if not absolutely, less. Breadstuffs, wool, wine, and silk, seem now developing into the great industries of our State, but our agriculture will naturally be diversified and profitable beyond what would be possible elsewhere, owing to the peculiarities of our climate.

The other feature of our present is the great Continental Railroad, the completion of which we are met to celebrate to-day. If any one

had asserted six years ago that to-day would find us rejoicing over a completed Pacific Railway, he would have been ridiculed as an idle dreamer. It is due to candor and truth to say, that even after the large grants made by Congress, the number of those who regarded the enterprise as spurious, and as nothing more than a Dutch Flat turnpike, probably exceeded the number of those who expected to witness its completion. It is unnecessary to give a history of a work with which you are all so familiar. Many of you recollect that not far from this place, in the month of January, 1863, the first ground was broken in the construction of the Pacific Railroad, by the then Governor of the State, now the President of the corporation. The enterprise encountered some opposition, which has probably retarded by a twelvemonth the completion of the work. I am not here to sound the praises of individuals or of communities, but it is simple justice to say that the men who projected and successfully executed this gigantic undertaking have exhibited a degree of foresight, of industry, sagacity, and business capability, which merits high praise.

I say this the more freely because it is well known that I have never looked with approbation upon the loan of State funds or credit, or the gift of State property to any corporation of this character. The people will doubtless oppose any such policy in the future as they have in the past.

It is a question of low taxes and exemption from debt on one hand, and a burdensome debt and high taxation on the other. All the railroads which are required will be built by private enterprise, without loading the State with an incubus of debt, crippling its finances for half a century, and furnishing a prolific source of corruption. If we expect to derive benefit from a Pacific railroad by the influx of population, we should be able to point immigrants to a State free from debt, where the surplus earnings of the industrial and mercantile classes are not all absorbed by the tax-gatherer.

While, too, we should be willing to be just to all, we need not forget that most powerful private corporations have some interests in conflict with those of the public, and that they are justly regarded with some jealousy.

To return, however, from this digression: It cannot be otherwise than a source of just pride to the citizens of Sacramento, that whatever credit attaches to any community in the State for the conception and execution of this great enterprise, belongs rightfully to them. I say this not to utter any implied censure upon other communities on this day of festivity and rejoicing, but it is said as the simple truth. The men who conceived the project and carried it through to success are all citizens of Sacramento, and the fact cannot be otherwise than gratifying to her people.

It was an arduous undertaking from first to last. The progress, at the outset, was slow through the foot-hills and up the mountain slopes of the Sierras. Hills were cut through, cañons bridged, until after about four years of labor the iron track reached the solid granite of the summit. A tunnel of 1,650 feet through granite rock, involved enormous expense and labor, and caused a delay of a year.

The mountain was finally pierced, and the iron track started but little more than a twelvemonth ago for its race toward the Rocky Mountains. That the rapidity of its construction since that time has been a marvel, and that all anticipations have been exceeded, is notorious.

We stand here to-day to rejoice not only over the completion of this great thoroughfare of commerce, but to rejoice still more with devout thanksgiving over a prosperity not exceeded, if equalled, in any community on the globe. It is safe to say that there is no State or country where more elements of substantial prosperity exist, where greater contentment pervails, where labor is so well rewarded, where wealth is so generally diffused, where a sounder currency is to be found, and where climate and other causes are more promotive of the health and happiness of all classes.

I have thus, in these discursive remarks, glanced briefly at the past and present of California. What shall be said of her future? Lift your eyes and expand your conceptions to take in the magnitude of her destiny. An empire in area, presenting advantages and attractions to the people of the Eastern States and Europe far beyond those presented by any other State or Territory, who will set limits to her progress, or paint in fitting colors the splendor of her future?

When we reflect upon what has transpired during the twenty years that are past, isolated as the State has been, what will be her progress during the twenty years that are to come? Extrinsic causes, of course, may influence our destiny for good or evil. Mismanagement at home or at Washington, profligate public expenditure, foreign war, and unwise legislation, famine and pestilence, may, at times, retard our progress, but if the people of California are true to themselves, this State is destined to a high position, not only among her sister States, but among the commonwealths of the world.

What is to be her future in the useful arts, with the popular intellect trained and developed by a complete system of general education; in the fine arts, when the exquisite tints of her landscapes and sky, and the stupendous scenery of her mountains are transferred in glowing colors to the canvas, and the sculptor's genius chisels into forms of beauty the marble of her quarries; in commerce, when trade is freed from its shackles; when her ships visit every shore, and her merchant princes control the commerce of this great ocean and the populous countries upon its border; in manufactures, when our silk and woolen goods, by their superior quality, displace the fabrics of older nations; in agriculture, when our wine and wheat are as eagerly sought after as our gold and silver; in science and literature, when institutions of learning, of the first order, afford every facility, and accumulated wealth secures leisure for scientific and literary pursuits.

In the answer to these questions, we might be charged by our Eastern brethren with blind partiality aud exaggeration. We are content to leave the answer to time.

The day is at hand when a more splendid civilization than any which has preceded it, will arise upon these distant shores. A vast population will pour into this Canaan of the new world. Already

we hear the hum of preparation in every quarter: already we listen to the tread of the advancing hosts. From the north, east, and south, from the lakes to the gulf, the swelling tide of population will gather volume, and pour in a mighty tide across the Continent, bringing to us the youth, the enterprise and energy of the older countries in search of adventure, of freedom, and of riches on the shores of the Pacific. Tourists will be attracted by the most sublime scenery on the Continent, and thousands will come to repair physical constitutions racked by the extremes of climate, the inclement air, and the miasma of the States east of the mountains.

These words may seem boastful to our brethren at the East, but we know whereof we speak, and in simple truthfulness can say no less. One reminiscence more before I close. The 14th day of this month terminates the first century of the occupancy of this State by the white race. One hundred years ago, on that day, the first settlement of white men was made within the borders of California. A party of immigrants then arrived, not in a luxurious passenger car, whirled along the dizzy heights and profound gulfs of the Sierras by a ponderous engine, waking the echoes of the mountains with its roar and rattle, but led by a Franciscan friar, not in quest of gold or office, or of a more comfortable home, but stimulated by religious zeal, and bearing the standard of the cross. After a laborious and painful journey overland through Mexico, Father Juan Crespi arrived at San Diego, on the 14th day of May, 1769. Father Junipero Serra followed, arriving on the 1st day of July, of the same year.

It seems singularly appropriate to signalize the centennial anniversary of the settlement of California by the completion of this crowning work of Saxon civilization, which links together in iron bonds the two great oceans of the world, and carries California at one bound into the centre of the great family of nations.

If, after the lapse of this hundred years, the good friar could awake from his slumber and revisit the scenes of his self-denying labors, with what speechless amazement would he gaze upon the transformation wrought on these shores since his day! It is doubtful, however, whether the changes of the past hundred years, amazing as they have been, are more wonderful than those that will occur within the hundred years to come. Where is the fancy adventurous enough to conceive the changes to occur before the ceaseless course of time brings the second centennial anniversary of the settlement of California?

In conclusion, however, some things must be borne in mind, if we expect that prosperity which seems to gild with its rainbow of promise the horizon of our future.

Railways and telegraphs are potent civilizers, but these alone will not constitute or conserve any State—much less a free State. Corruption and vice can travel on railways with as much ease as in stage coaches. California may have all the facilities of travel and intercourse, and its people accumulate wealth beyond the dream of avarice, and yet be miserably poor in all the higher elements of solid and enduring happiness. What the moral character of the future

population of this State is to be, depends largely upon the generation which is living to-day.

When we contemplate the magnitude of the destiny in store for our noble State, let us realize that we must ourselves furnish to those who are to come after us that lofty example which we wish them to follow. We must set our faces like a flint against corruption in high places as in low ones—in legislative halls and primary conventions. We must make no compromise with gilded dishonesty. We must refuse to recognize two codes of morals, one for private and a lower one for political affairs.

Above all, we must recollect that the only basis of morality is religion; that no people who are unmindful of their obligations to their Creator can permanently prosper; that no amount of material wealth can compensate for the decay of public and private virtue. And whatever our religious convictions may be, or whatever forms of worship or tenets of faith our judgments approve, while we obey the calls of patriotism and render unto Cæsar the things that are Cæsar's, let us be careful to render unto God the things that are God's.

OF THE
UNIVERSITY
OF
CALIFORNIA

Ellazer Smith

DELAZON SMITH.*

THE progenitors of Delazon Smith were among the very earliest settlers of New England. Capt. Jonathan Smith, the grandfather of Delazon—as was his father—was born in the colony of Rhode Island. Capt. Smith was commissioned a captain in the war of the Revolution, and performed signal and important services from the inception of the war at Bunker's Hill until the final victory at Yorktown. From the memoir published of the late Rev. Stephen R. Smith, (who was the nephew of Capt. Smith) we make the following quotation:

My father's family, or rather that of my grandfather on my mother's side, was, by intermarriage and common ancestry, intimately connected with several of the prominent families of the State of Rhode Island. The Hopkinses, Wilkinsons, and Harrises, and others in the vicinity of Providence, were near relations; among these the Stephen Hopkins whose name appears among the signers of the Declaration of Independence, I have always understood, was cousin-german of my grandfather. The children of my grandfather, John Smith, of Scituate, Rhode Island, were six sons and one daughter, namely, Richard, Joseph, Jonathan, Oziel, Thomas, Hope, and Sarah. The sons were in their several spheres distinguished for their devotion to the cause of national freedom. Richard, the eldest, was a subaltern in one of the New England regiments, during one or two of the campaigns of what was known as the *French War*, and which terminated in the capture of Quebec and the cession of Canada to Great Britain. Joseph, though never in the regular service, was one of those *Green Mountain boys* who stormed the breastworks at the battle of Bennington; while his son, a lad of only fifteen years, fought in the second battle on the same day. Jonathan, (the grandfather of Delazon) with a lieutenant's commission, on hearing of the

* For explanatory note, see Preface.

battle of Lexington, marched immediately with his company to Cambridge; was several years in the Continental service, and lived till a very advanced age in the enjoyment of his country's bounty. Thomas declined a commission, and entered the service as a volunteer. He was killed at the bridge in Springfield, New Jersey. Captain Olney, of the Rhode Island line, has given in his own memoir, an interesting account of his feelings and fears when left to guard the bridge, where he lost his life. Oziel, though devoted to the cause of liberty, was emphatically a man of peace, and though occasionally called out for short periods of service, it is not known that he ever remained longer than immediate duty required.

The maternal grandfather of Delazon was Joseph Briggs, Esq., a native of Massachusetts, and at the time of the Revolution, a citizen of Vermont. He was also a captain in the War of Independence: he particularly distinguished himself in the battles of Bunker's Hill, Bennington, Saratoga, and Monmouth, and was present at the surrender of Burgoyne. On one occasion, in the midst of the battle, his superior officer, having deserted the American standard, and sought protection under the British banner, Captain Briggs moved gallantly forward to the command, rallied the dismayed and panic-stricken men, charged the enemy boldly and courageously and turned the tide of battle, achieving a victory at a moment when defeat seemed inevitable.

At the close of the war, he returned to his home and resumed the peaceful pursuits of private life, covered with honorable scars, and content with the consciousness of duties well performed, and rejoicing in an honorable peace with its blessings, and the unquestioned freedom of his country. Thus could the young Senator point with pride to his ancestry and to his country's record, which establishes the fact that he descended from "*fighting stock:*" indeed, *every* battle-field where a foreign foe has been met and resisted by American arms has been wet with the blood of his kindred. One brother offered himself and was sacrificed upon the altar of his country during the war with Mexico.

Delazon Smith was the fourth son of Archibald Smith, and was born in the village of New Berlin, in the county of Chenango, State of New York, on the 5th of October, 1816. His father was an humble mechanic, in moderate

circumstances. His mother was a woman of extraordinary intellectual powers, and of remarkable excellence of character and disposition, universally esteemed as a womanly perfection of nature's noblest handiwork. She died in the year 1825, leaving five surviving sons of tender age, to rely at the very commencement of their career mainly upon their own individual, native, inherent energy, for success in the great battle of life.

In the year 1831, when but fifteen years of age, Delazon, provided with but a small bundle of clothing which he carried under his arm, and almost penniless, started for the "West." After a temporary residence of two or three years in Western New York with an elder brother who had preceded him, and where he sought, and to a limited extent obtained, the facilities of an education, he renewed his journey westward. Having heard that there was a manual labor college in Ohio, where indigent young men could obtain an education and meet their current expenses by the daily labor of their hands, young Smith lost no time in making his way to that institution. He arrived at Oberlin in the spring of 1834, where he remained two years as a student of the "Collegiate Institute." Then he withdrew because of his refusal to acquiesce in the practice which then prevailed of enticing away, harboring, secreting, and running off North slaves from the Southern States.

On leaving Oberlin, the young student repaired to the city of Cleaveland, where he published a large edition of a small work entitled, "*Oberlin Unmasked;*" and it is a significant and somewhat remarkable fact, that even at that early period in the history of anti-slavery agitation, he actually depicted, as with the ken of a prophet, the state of things as they existed at a later period. Having arrived in Cleaveland, and resolved upon the study and practice of the law, Mr. Smith at once entered his name as a student in the office of a prominent attorney of that city. In the meantime, he contributed much to the columns of the newspaper press, and frequently became involved in controversies on the subject of religion and politics.

In the spring of 1838, Mr. Smith received a flattering invitation from an association of appreciative gentlemen to return to the city of Rochester, in his native State, for the purpose of establishing a newspaper, to be called the *New York Watchman*. This position he accepted, and edited the *Watchman* for a period of two years, in the meanwhile continuing the study of the law.

In the memorable campaign of 1840, Mr. Smith edited and published a very able, spirited, and influential Democratic paper, entitled the *True Jeffersonian*. His maiden political speeches, delivered to large and promiscuous audiences, were made in the Presidential contest of 1836; and though he had taken an active and prominent part in the New York State elections of 1838, yet it was not until the campaign of 1840 that his extraordinary abilities as a political or "stump" speaker became generally known. During that excited and bitter contest, under the banner of Van Buren and Johnson, he did more than a soldier's duty: he performed herculean labor. In addition to sustaining his *True Jeffersonian* with marked and acknowledged ability, he canvassed with great success the States of New York, Ohio, and Pennsylvania.

After the close of the campaign of 1840, Mr. Smith established a daily paper called the *Western World*, but owing in part to the utter prostration of the Democratic party, he discontinued it, and soon after, in the fall of 1841, returned to Ohio, and located in the city of Dayton, where he at once established a Democratic journal, which he named *Western Empire*, which came to be the leading Democratic paper in that section of the State.

When the then Chief Magistrate of the nation vetoed the Congressional bills re-chartering a national bank, etc., and after Mr. Tyler's policy had become essentially Democratic, Mr. Smith, as the editor of the *Empire*, and as a Democratic orator, gave to the executive and his administration a prompt, generous, and able support.

In 1843, a difference of opinion arose between Mr. Smith and some of his partisan friends and associates, in reference to the propriety and policy of his defence and support of certain measures of Mr. Tyler's administra-

tion, which eventuated in Mr. Smith's voluntarily withdrawing himself from the editorial control of the *Empire*. Soon afterwards, however, he established another paper, called the *Miamian*, in the same city.

Prior to the Baltimore Convention of 1844, Mr. Smith declared his preference for and hoisted the name of Gen. Lewis Cass for the Presidency, in the meantime insisting that President Tyler's overtures to be readmitted into the Democratic party should be generously and cordially met, and the leading measures of his administration, being substantially Democratic, sustained and defended, his honest friends fellowshipped, and his Democratic appointees protected and preserved in position.

When Mr. Polk was chosen as the compromise standard-bearer of the Democratic party, Mr. Smith placed his name at the head of his paper, and was everywhere found energetically, eloquently, and gallantly battling, under the motto of "Oregon and Texas," for Polk and Dallas.

At the close of the campaign of 1844, President Tyler appointed Mr. Smith as Special Commissioner of the United States to the Republic of Ecuador, in South America. In the execution of this mission, Mr. Smith was clothed by his government with full powers to treat with the government of Ecuador. He was especially instructed to remain at Quito from nine to twelve months, and if at the expiration of that period the objects of his mission had not been accomplished, or if in his judgment there was no immediate prospect of a satisfactory issue, he should return to the United States. Upon his arrival at Quito, Mr. Smith found the government to which he had been accredited embroiled in intestine wars. After having remained at the capital of the Republic for one month, and exchanged a few letters with the self-constituted officers of the provisional government, and ascertaining the utter impossibility of accomplishing the objects of his mission, he returned home.

On his return from South America, in the spring of 1846, Mr. Smith located himself in what was then the territory of Iowa, where he purchased and settled upon

a farm, and engaged in the labors of agriculture, associating therewith, to a limited extent, the practice of the law. In the formation of the State government, he took a prominent and active part. During his residence in Iowa, he appears to have been the especial favorite of the Democracy of his (Van Buren) county, for on three several occasions they presented his name as their first choice for Congress, and once to a Democratic State convention as their choice for Governor.

In the year 1850, Congress, at the close of the long session, declared the seat of Hon. Wm. Thompson, from Iowa, vacant, it having been contested by the Hon. Daniel F. Millar. Understanding that no convention would be held, and that Mr. Thompson would not contest the matter before the people, and did not desire to run for an election to fill the residue of the term, the Democratic friends of Mr. Smith held a mass meeting and placed him in nomination for that position. Subsequently, however, Mr. Thompson resolved upon making the canvass, and the result was the election of Mr. Millar, the opposition candidate.

During his residence in Iowa, Mr. Smith was constantly on hand engaged in fighting the battles of the Democracy, and with the same zeal, intrepidity, and eloquence which had characterized all his previous efforts in the advocacy and defence of his favorite principles.

During the Presidential campaign of 1848, he edited with decided ability the *Iowa Democrat*, in support of Cass and Butler, the Democratic nominees; and in the meanwhile canvassed upon the stump a large portion of the State, in company with Gen. A. C. Dodge, our late Minister to Spain, and the late Chief Justice Joseph Williams. Very much of the credit for having in that day placed the Territory of Iowa upon her feet as a Democratic State is eminently due to Mr. Smith.

Having lost several members of his family by death, and having suffered deeply from sickness and other misfortunes during his residence in Iowa, Mr. Smith resolved upon seeking health and home and fortune by removing still farther Westward. Accordingly, in the spring of

1852, he set out with his family in an ox-wagon for the Territory of Oregon, crossing the Plains and the Rocky Mountains. He was five months making the journey from the Missouri River to the Dalles of the Columbia. Himself and family suffered severely for a protracted period with sickness whilst on the Plains, but at last arrived in safety and health in the Valley of Willamette, though not until they had lost every head of cattle, and in fact every thing in the shape of property which they possessed.

Undaunted, and neither dismayed nor disheartened, Mr. Smith selected for himself a land-claim (under the act of Congress of 1850, granting lands to all citizens who should reside upon and cultivate the same for a period of four consecutive years) in the county of Linn, in the heart of the Valley, and soon thereafter established his family there. Having thus provided a home, he applied himself vigorously and unremittingly to the practice of the law, devoting the proceeds to the cultivation and improvement of his farm, and to securing the comforts and surrounding himself with the elegancies of life.

In the spring of 1854, the Democracy of Linn county nominated Mr. Smith as a candidate for the Legislature, and he was elected by a majority of upwards of two hundred. In the following year, he was again nominated for the same position, and returned by a majority of four hundred.

Upon the convening of the Legislature, he was chosen Speaker of the House of Representatives, receiving nine-tenths of the votes cast. In 1856, he was again renominated and reëlected to the Legislature by an increased majority, and in the year following, he was chosen one of the delegates to the convention to frame a constitution for the State government; and finally, in July, 1858, he was chosen one of the first United States Senators from the State of Oregon, by a four-fifths vote of the members of the Legislature assembled in joint convention.

Did the space allotted to this hurried sketch allow, we should take pleasure in quoting briefly from some of the numerous speeches, addresses, and orations delivered by Mr. Smith on various occasions, and which have been

published from time to time, as specimens of his style of oratory: but a want of space must deprive us of this pleasure.

The most prominent characteristics of Mr. Smith were energy, perseverance, and warmth of feeling and attachment. Whatever he resolved upon doing, he did with remarkable energy and singleness of purpose: no impediment deterred, no adversity appalled him: he never flagged or faltered, nor would he readily bow or bend to the storm; if he did, he rose again, and not less determined than ever. No man was more devoted to country, home, and friends. Unreserved, frank, and candid, no one would go further, or sacrifice or suffer more, to serve his friends. As a debater, he reasoned inductively and analogically: was always ready, forcible, and elegant; and none who heard him were permitted to doubt either his patriotism or his sincerity.

Mr. Smith, in casting lots, drew the short term, expiring on the fourth of March, 1859. Upon the expiration of his brief term of office, he returned to Oregon, and took a prominent part in political movements in that State. He was in good health and spirits, and his friends confidently predicted for him many years of brilliant usefulness. But Providence dashed the hopes of the statesman and the expectations of his friends, and put a period to his career. Within a week after the result was known of the Presidential election of 1860, Mr. Smith was taken suddenly ill, and died in a few days thereafter. His widow still lives on the family homestead, a large and valuable farm in Linn county. Mr. Smith was a true friend and faithful servant of the people of Oregon, by whom his memory is gratefully cherished.

STEPHEN JOHNSON FIELD.

BY THE EDITOR.

JUDGE FIELD is the son of the late Rev. David D. Field, an eminent New England divine. David Dudley Field, who has been, for a quarter of a century, one of the foremost members of the American bar; Cyrus W. Field, the projector of the Atlantic submarine telegraph; Jonathan Field, formerly President of the Massachusetts Senate; and Rev. Henry M. Field, editor of the *New York Evangelist*, are all brothers of the subject of this sketch.

Stephen Johnson Field was born in Haddam, Connecticut, November 4th, 1816. In 1818, his father moved to Stockbridge, Massachusetts, where he resided until 1837, and from 1851 until his death in 1866. When thirteen years of age, young Field accompanied a relative to Greece and Asia Minor, where he remained for nearly three years, studying the modern languages. Returning he entered Williams College in the fall of 1833, had the Greek Oration in the Junior year, and graduated in 1837 with the Valedictory Oration, the highest honor in his class. In 1838, he went to New York city, and entered upon the study of the law in the office of his brother, David Dudley Field. During this year, he met with an accident which resulted in serious and permanent injury to one of his knee-joints, and has ever since caused a slight lameness.

After being admitted to the bar, he became the partner of his brother, with whom he remained until June, 1848, when he went to Europe, and remained abroad until the fall of the next year. On his return, he was carried by the tide setting for California to that State, where he arrived on the 28th of December, 1849. Among his fellow-passengers were Gov. Purdy and Gregory Yale, Esq.

Mr. Field settled at Marysville, of which place he was one of the earliest citizens. "He was chosen by the first settlers Alcalde, (under Mexican usage) and officiated in that capacity until the organization of the judiciary of the State—his decisions being final, and his jurisdiction extending over an immense, indeed an undefined, territory." Subsequently, for many years, he practiced his profession in the various Courts of the State, and was engaged before the Supreme Court at nearly every term of that tribunal. For several years before his elevation to the Supreme Court bench, he was generally regarded as the first lawyer of Northern California. He also represented Yuba county in the second session of the Legislature, and the State is indebted to him for very many of the laws which constitute the body of her legislation.

In 1857, Mr. Field was elected one of the Justices of the Supreme Court of California, having received his nomination from the Democratic party. His nomination was endorsed by many leading newspapers politically opposed to him, and his election by a large majority was not only a political triumph but a popular recognition of those qualities which subsequently enabled him to adorn that high station. After his election, and before the commencement of the term for which he was chosen, he was appointed by Governor Johnson, Justice of the Supreme Court, to fill the unexpired term of Judge Heydenfeldt, resigned. This appointment, coming from a political opponent, was an endorsement of the popular estimation of his high character. He took his seat on the bench in October, 1857, and in 1859, upon the resignation of Judge Terry, became Chief Justice of the

State. In the latter year, he was married at San Francisco to Miss Sue V. Swearingen.

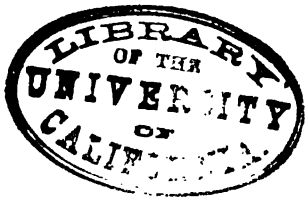
In 1863, while still discharging the duties of Chief Justice of the State, Judge Field, upon the unanimous recommendation of the Senators and Representatives in Congress from the Pacific coast, was nominated by President Lincoln and confirmed by the Senate, an Associate Justice of the Supreme Court of the United States. He has ever since continued in the active performance of the functions of this high office.

At the bar, Judge Field was a most skillful opponent. He came to the trial of a cause thoroughly master of all its details; then, with his mind steadily fixed upon its principal points, he proceeded with coolness, caution, and boldness; never thrown off his guard; never surprised by a new proposition; and always developing strength when the cause demanded it, he seldom failed to evolve whatever there was in a case. Without being what is popularly called a great speaker, Judge Field argued his cases with force and effect, whether before a court or jury. There was a nervous strength and an enthusiasm in his clear-cut, logical arguments, which seldom failed to convince.

Upon the bench Judge Field was equally distinguished. His leading characteristic is his clear comprehension of the great principles of the law: in all cases he seeks to apply the broad and general rules of right and justice, and in order to do this, to brush away the trifles and technicalities by which they may be obscured. This is especially true of his opinions in cases involving the titles to land. When carefully examined, they will be found to embrace a *system of land law*, scattered, it is true, through twelve volumes of the Reports of the Supreme Court of the State of California; sufficiently comprehensive to meet nearly all questions arising in the acquisition, protection, and transmission of this species of property. It is undoubtedly owing to this fact that his decisions have so generally stood the test of time, and are now recognized as authority not only in California, but in all the States of the Pacific.

Judge Field enjoyed the intimate acquaintance and friendship of the late Judge Joseph G. Baldwin, who entertained for his legal abilities profound respect. Judge Baldwin regarded with great pleasure and satisfaction Judge Field's elevation to the high place which he now holds, and in a communication to the *Sacramento Union*, under date of May 6th, 1863, he gave a brief history of Judge Field's career, and discussed his character and abilities as a lawyer and jurist. And he did not hesitate to declare that, "by the appointment of Judge Field to a seat on the bench of the Supreme Court of the United States, the State of California has been deprived of the ablest jurist who ever presided over her courts."

Since his elevation to the Supreme Bench of the United States, Judge Field has not ceased to exercise his talents for the benefit of his adopted State. As peculiarly owing to his exertions, may be mentioned the final settlement of a basis for land titles in San Francisco. It is generally understood that the act of Congress confirming the Van Ness Ordinance, and the subsequent and final act of Congress substantially confirming the decision of the Circuit Court in the Pueblo case, emanated from him. His constant solicitude has been to evolve something like order from the chaotic condition of the land titles in that city, believing that he could render no more efficient service to the rising metropolis of the Pacific, and consequently to the whole State, than in conferring upon it one of the first essentials to the prosperity and financial health of any community—certainty in the title to the lands upon which it is built.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J. A. McDougall.

JAMES A. McDOUGALL.

By William H. Rhodes.

Vita sine literis, mors est.

When intelligence of the death of Gen. McDougall reached California, not a citizen of that State but felt that one of her brightest intellects, purest patriots, and wisest counselors had departed. The fame of the dead senator had penetrated every corner of that new dominion. As a lawyer, he had been eminently successful; as a public officer, incorruptible; as a statesman, wise, forearmed, and magnanimous. More learned than Baker, more successful than Hoge, and more consistent than Pratt, he led that mighty phalanx of GREAT WESTERNERS who at an early day immigrated into California, and by their united genius lifted her up into the position of one of the noblest States that adorn our confederacy. By their services, she early attained her proudest characteristic, the *Empire State* of the Pacific!

James A. McDougall was born in Albany county, in the State of New York, in November, 1817, and received the rudiments of his education at the Grammar School of that place. At a very early age, he assisted in the survey of the first railroad built in the State of New York—that connecting the two cities of Albany and Schenectady. His attention thus early was directed towards internal improvements, particularly to railroads,

and some of the most important acts of his life owed their germs to this commencement. Here, indeed, may be seen the origin of his advocacy of the Great Pacific Railroad, to the construction of which he devoted much of his time and all of his talents: of this, however, we shall speak more at large hereafter.

After completing the survey of the Albany road, Mr. McDougall resolved to adopt the profession of law as the business of his life, and set about the study with industrious alacrity. He devoted all his time to this object, and with characteristic energy soon mastered the rudiments of the profession. Whilst still a mere boy, he emigrated to the great West—in 1837—and settled in Pike county, Illinois. Here he at once developed talents of the highest order, and rose with unprecedented rapidity to the highest honors of the forum. In 1842, he was elected Attorney General of Illinois, and at the conclusion of his first term of office in 1844, was again elected to the same position.

During his early career in Illinois, it was his fortune to meet and come into friendly rivalry at the bar with such men as Baker, Hoge, and Pratt. Nor is it doing any injustice to those distinguished jurists to assert that he fully equaled, if he did not surpass, them all. Indeed, for varied literary as well as legal lore; for scrupulous good taste in all his compositions; for fiery eloquence and aptness of quotation, no citizen of Illinois has ever yet approached him.

From Illinois, he led an expedition of his own forming, in 1849, to the head waters of the Rio del Norte. The object of this venture was primarily, exploration of the country, with a view to settlement, and secondly, a search for the precious metals.

The enchanting news from California seems to have taken entire possession of the minds of some of the ablest and most adventurous spirits of the far West, and hence the brilliant array of distinguished names that adorned the early annals of the Golden State. The results of the expedition not being satisfactory, instead of returning homewards, the caravan turned its face to the westward,

and started across the deserts and hills of the Gila and Colorado for the El Dorado of the West.

Soon after his arrival in California, he settled in San Francisco, and devoted his attention to the practice of law. From the first moment of his appearance at the bar in that city, he became a man of mark and distinction. It was no easy task to take precedence of such men as Tilford, Randolph, and Sloan; yet McDougall soon found himself an overmatch for them all, and shared the dangerous honor of preëminence alone with Lockwood of Indiana. The contests between these two jurists of the law were always terrific, and very often extremely rough and personal. What Lockwood lacked in polish, he made up in erudition, and what was wanting in McDougall's delivery, was fully compensated for in sarcastic humor. Lockwood was ponderous in his blows, whilst his rival was alert and watchful. It was the old battle between Fitz James and Roderick Dhu, between David and Goliah, between rude strength and practiced skill. The Damascus blade generally triumphed over the rude claymore and the tough bull's hide. When the verdict came, it was received usually in sullen silence by the defeated Hoosier. The New Yorker smiled, but said nothing. Well he knew that when the appeal came to the Supreme Court, nothing could resist the polished irony, nervous vigor, and apt learning of his luminous pen. Still the battle was left undecided up to the period of Lockwood's death. After that event, it was generally conceded that James A. McDougall stood at the head of the California bar. No sooner had he established his right as a leader than he received the nomination of the Democratic party for the office of Attorney General of the State. He was triumphantly elected to that position in 1850, and served with great distinction. His legal eminence soon led to political preferment, and he was chosen member of Congress, as a Representative, in 1853.

Previous to his election, the question of the construction of a continental railroad began to exercise the minds of the most sagacious politicians on both shores of the hemisphere. On the western, McDougall took the

lead. Unquestionably the most scientific of the laymen who advocated the measure, he soon, by his studies of the geography of the interior of the continent, led even the scientific corps who had been detailed by the Federal government to take the initiative steps towards its construction. It soon became the *hobby* of McDougall, as it had been for many years with Senator Benton of Missouri. All sources of information were explored by him with indefatigable industry, and his first great speech in Congress was upon his favorite theme. Before quitting home, he delivered several powerful speeches on the subject, and by his warm and magnetic eloquence aroused the leading minds of California and Oregon to a just appreciation of the subject.

Much has been written to prove who was the real *father* of the Pacific Railroad. It matters but little who first suggested the general idea; but the honor of practicalizing the thought is due to James A. McDougall. His powerful advocacy of the measure in Congress led to the first action of the Government on the question, and his ready learning on all the branches of the subject effected more towards its completion than all the surveys put together. In 1855, he declined a renomination for Congress, and resumed the practice of law in San Francisco. In 1861, he was elected a United States Senator to Congress, and came forward with renewed strength in the prosecution of his favorite measure.

The war having in the meantime broken out between the sections North and South, afforded a wide field for proving the utility of the undertaking, and he did not fail to present the argument in its new light, as a necessary *war measure*. At this period his party being in a large minority in Congress, upon others, more in sympathy with the national administration, devolved the chief duty of presenting the question. But still, upon the shoulders of the Western Titan rested the heaviest part of the burthen. Ably seconded by Sargent and his colleagues, all difficulties were finally removed, and he lived to see the darling object of his political life on the high road to success.

In addition to the labors he performed on committee, as Chairman of the Pacific Railroad, he served also, and with no less distinguished honor, on the Finance Committee, and upon that of Naval Affairs.

Whilst in Congress, his principal speeches, aside from those on the Railroad, were delivered on the subjects of the expulsion of Senators Bright and W. P. Johnson; on Emancipation; on Slavery in the District of Columbia; on the establishment of a Steam Mail Line to China and Japan; on the Civil Rights Bill; on Reconstruction; on the Restoration of the Southern States; on the Freedmen's Bureau; the Continental Telegraph Lines; the National Academy; and upon that singular subject, the sale of liquor by retail within the purlieus of the Capitol.

Upon all these questions he spoke with the learning of a scholar and the moderation of a statesman. We doubt if there has ever been a more logical, eloquent, and unanswerable argument than that contained in his speech delivered in the Senate of the United States on the 12th March, 1862, on the subject of the Right of Confiscation of Southern property. He threw a mighty blaze of historical and legal light upon the question, that amazed and confounded his opponents; and he silenced, if he did not convince them. It was in this celebrated speech that he defined his position on the question of negro slavery. Standing there as a representative, he did not hesitate to affirm:

> Do not understand me, Mr. President, as being in any sense, in the remotest degree, an advocate for slavery in any form. I have never, since I have had opinions, entertained the opinion that it could exist to the advantage of any free State. I regard its influences as being worse upon the white than upon the slave population. I understand, too, that when I present my opposition to this measure, I come in contact with what is the popular opinion and feeling of the people throughout the free States. That cannot measure my conduct. I understand the business of a Senator here in the passage of laws to be to inquire into what laws are necessary and just, what laws presented are impolitic or unjust, and to give his support to the one, and his opposition to the other. No notion of popular opinion should or will control me.

But lest his motives might be impugned, he took occasion also to say:

Sir, as far as I am able to read of the wisdom taught by the history and counselings of the past, the measure now proposed can never secure peace. The policy involved in it will continue an angry, remorseless, relentless war, which if it do not involve subjugation, will involve extirpation. I fear that the country, and not only the country but the Senate, have been led wild with anger; that they have caught some of the angry spirit of their adversaries, and instead of taking lessons from the great States of the world, and the great teachers of ancient and modern times, have taken their advice from Richmond and Montgomery.

But Senator McDougall was also a leader of public opinion on another subject, which at the time of the delivery of his address subjected him to unworthy criticism and ill-natured comment. We allude to his Franco-Mexican speech on the 3d February, 1863. The policy advocated by him at that time soon afterwards became the settled plan of the Federal Government, though at the moment of its expression no statesman was more bitter in his denunciations than Mr. Secretary Seward. This led to some ill-feeling betwixt the two statesmen, and induced General McDougall to pay a very equivocal compliment to the American premier. It is related, upon good authority, that McDougall, returning home one night from a prolonged session of the Senate, indulged rather freely in his favorite beverage, so much so as to fall down, without the power of self-elevation. At this moment a policeman approached, and before assisting him to rise, asked him who he was. He answered very laconically, "Don't you see? I'm *Seward!*"

This anecdote leads us to remark that the most characteristic speech he ever made was in the Senate, not long before his death, on the sale of intoxicating beverages within the Capitol building. This speech is full of the most delicate wit, subtle irony, and eloquent learning. Classical quotations, and historical incidents and allusions, abound in it from beginning to end. As an ironical defence of drunkenness, it has no parallel in English literature; and though McDougall was famous before for his classics, this effort left him without a peer in the Senate of the United States.

As a specimen of McDougall's serious style, his eulogy on the death of Col. E. D. Baker, Senator from Oregon,

and killed in the battle of Ball's Bluff, is appended to this sketch. No finer eulogy than this was ever spoken upon the floors of Congress. The speech upon the sale of liquors in the National Capitol will also be found in this volume, immediately following the eulogy just referred to.

Yet, with all his talent, learning, and industry, he had one fault. This pursued him most relentlessly to his grave, and he died the victim of the same habits that cut off Prentiss in the splendor of his career and the meridian of his fame—the same enemy that throttled Alexander the Great, conquered Alcibiades, and killed Lord Clive; and though we could not pardon his self-indulgence during life, we may be permitted to forgive it, now that he is no more. *Requiescat in pace!* He died at Albany, near the spot of his birth, on the 30th of September, 1867, aged fifty years.

Remarks on the Death of Gen. E. D. Baker,

Delivered in the United States Senate, December 11th, A. D. 1861.

BY GEN. J. A. MCDOUGALL.

Mr. President: Within the brief period I have occupied a seat on this floor, I have listened to the formal announcement of the decease of the two Senators nearest to me by the ties of association and friendship, both representative men, and among the ablest that ever discoursed counsel in this Senate. I trust I shall be pardoned if it be thought there is something of pride in my claim of friendship with such distinguished and not to be forgotten men. The late Senator from Illinois, as well as the late Senator of whom I am about to speak, were my seniors in years, and much more largely instructed than myself in public affairs. Differing as they had for a period of more than a quarter of a century, they had met together, and in the maintenance in all its integrity of the great governmental institution of our fathers, they were one. Coming myself a stranger to your counsels, I looked to them for that home advice in which there is no purpose of disguise or concealment. Their loss has been, and is, to me like the shadows of great clouds; but while I have felt, and now

feel their loss, as companions, friends and counselors in whose truth I trusted, I feel that no sense of private loss should find expression when a nation suffers. I may say here, however, that, while for the loss of these two great Senators a nation suffers, the far country whence I come feels the suffering of a double loss. They were both soldiers and champions of the West—of our new and undeveloped possessions. A few months since, the people of the Pacific, from the sea of Cortez to the Straits of Fuca, mourned for Douglas: the same people mourn for Baker. The two Senators were widely different men, moulded in widely different forms, and they walked in widely different paths; but the tread of their hearts kept time, and they each sought a common goal, only by different paths.

The record of the honorable birth, brilliant life, and heroic death of the late Edward Dickinson Baker has been already made by a thousand eloquent pens. That record has been read in cabin, and in hall, from Maine to furthest Oregon. I offer now but to pay to his memory the tribute of my love and praise. While paying this tribute with a proud sadness, I trust its value will not be diminished, when I state that for many years, and until the recent demands of patriotism extinguished controversial differences, we were almost constant adversaries in the forum and at the bar. A great writer, in undertaking to describe one of the greatest of men, said: "Know that there is not one of you who is aware of his real nature." I think that, with all due respect, I might say of the late Senator the same thing to this Senate, as I am compelled to say it to myself. Of all the men I have ever known he was the most difficult to comprehend. He was a many-sided man. Will, mind, power, radiated from one centre within him, in all directions; and while the making of that circle, which, according to the dreams of old philosophy, would constitute a perfect being, is not within human hope, he may be regarded as one who at least illustrated the thought. His great powers cannot be attributed to the work of laborious years. They were not his achievements. They were gifts, God-given. His sensations, memory, thought, and action, went hand in hand together, with a velocity and power which, if not always exciting admiration, compelled astonishment.

Although learned, the late Senator was not what is called a scholar. He was too full of stirring life to labor among the mouldy records of dead ages; and had he not been, the wilderness of the West furnished no field for the exercise of mere scholarly accomplishments. I say the late Senator was learned. He was skilled in metaphysics, logic, and law. He might be called a master of history, and of all the literature of our own language. He knew much of music—not only music as it gives present pleasure to the ear, but music in the sense in which it was understood by the old seekers after wisdom, who held that in harmonious sounds rested some of the great secrets of the infinite. Poetry he inhaled and expressed. The *afflatus* called divine breathed about him. Many years since, on the then wild plains of the West, in the middle of a star-lit night, as we journeyed together, I heard first from him the chant of that noble song, *The Battle of*

Ivry. Two of its stanzas impressed me then, and there are other reasons why they impress me now:

The King has come to marshal us, in all his armor drest;
And he has bound a snow-white plume upon his gallant crest;
He looked upon his people, and a tear was in his eye;
He looked upon the traitors, and his glance was stern and high;
Right graciously he smiled on us, as ran from wing to wing,
Down all our line, a deafening shout, "God save our Lord the King!"
And if my standard-bearer fall, and fall full well he may,
For never saw I promise yet of such a bloody fray,
Press where ye see my white plume shine, amidst the ranks of war,
And be your oriflamme to-day, the helmet of Navarre.

Hurrah! the foes are moving; hark to the mingled din
Of fife, and steed, and trump, and drum, and roaring culverin.
The fiery Duke is pricking fast across Saint Andrew's plain,
With all the hireling chivalry of Gueldres and Almagne;
"Now by the lips of those ye love, fair gentlemen of France,
Charge! for the golden lilies: now upon them with the lance!"
A thousand spurs are striking deep, a thousand spears in rest,
A thousand knights are pressing close behind the snow-white crest;
And in they burst, and on they rushed, while, like a guiding star,
Amidst the thickest carnage blazed the helmet of Navarre.

He was an orator—not an orator trained to the model of the Greek or Roman school, but one far better suited to our age and people. He was a master of dialectics, and possessed a skill and power in words which would have confounded the rhetoric of Gorgias, and demanded of the great master of dialects himself, the exact use of all his materials of wordy warfare. He was deeply versed in all that belongs to the relations and conduct of all forms of societies, from families to States, and the laws which have and do govern them. He was not a man of authorities, simply because he used authorities only as the rounds whereby to ascend to principles. Having learned much, he was a remarkable master of all he knew, whether it was to analyze, generalize, or combine his vast materials. It was true to him, as it is true of most remarkable minds, that he did not always appear to be all he was. The occasion made the measure of the exhibition of his strength. When the occasion challenged the effort, he could discourse as cunningly as the sage of Ithaca, and as wisely as the king of Pylus.

He was a soldier. He was a leader; "a man of war," fit, like the Tachmite, "to sit in the seat, chief among the captains." Like all men who possess hero blood, he loved fame, glory, honorable renown. He thirsted for it with an ardent thirst, as did Cicero and Cæsar: and what was that nectar in which the gods delighted on high Olympus but the wine of praise for the great deeds accomplished? Would that he might have lived, so that his great sacrifice might have been offered, and his great soul gone up from some great field, his lips bathed with the nectar that he loved! None ever felt more than he—

Since all must life resign,
Those sweet delights that decorate the brave
'Tis folly to decline,
And steal inglorious to the silent grave.

But it was something more than the fierce thirst for glory that carried the late Senator to the field of sacrifice. No one felt more than he the majestic dignity of the great cause for which our nation now makes war. He loved freedom, if you please; Anglo-Saxon freedom; for he was one of that great old race. He loved this land, this whole land. He had done much to conquer it from the wilderness; and by his own acts he had made it his land. Hero blood is patriot blood. When he witnessed the storm of anarchy with which the madness of depraved ambition sought to overwhelm the land of his choice and love; when he heard the battle-call,

Lay down the ax, fling by the spade,
Leave in its track the toiling plow;
The rifle and the bayonet blade,
For arms like yours are fitter now:

And let the hands that ply the pen,
Quit the light task, and learn to wield
The horseman's crooked brand, and rein
The charger on the battle-field.

Our country calls; away, away!
To where the blood-streams blot the green;
Strike to defend the gentlest sway
That time in all its course has seen.

It was in the spirit of the patriot hero that the gallant soldier, the grave Senator, the white-haired man of counsel, yet full of youth as full of years, gave answer, as does the war-horse, to the trumpet's sound.

The wisdom of his conduct has been questioned. Many have thought that he should have remained for counsel in this hall. Mr. President, the propriety of a Senator taking upon himself the duties of a soldier, depends, like many other things, on circumstances; and certainly such conduct has the sanction of the example of great names. Socrates—who was not of the councils of Athens simply because he deemed his office as a teacher of wisdom a higher and nobler one—did not think it unworthy of himself to serve as a common soldier in battle; and when Plato seeks best to describe and most to dignify his great master, he causes Alcibiades, among other things, to say of him:

I ought not to omit what Socrates was in battle; for in that battle after which the Generals decreed to me the prize of courage, Socrates alone, of all men, was the saviour of my life, standing by me when I had fallen and was wounded, and preserving both myself and my arms from the enemy. But to see Socrates when our army was defeated and scattered in flight at Delias, was a spectacle worthy to behold. On that occasion I was among the cavalry, and he on foot heavily armed. After the total rout of our troops he and Laches retreated together. I came up by chance; and seeing them, bade them be of good cheer, for that I would not leave them. As I was on horseback, and therefore less occupied by a regard of my own situation, I could better observe than at Potidœa the beautiful spectacle exhibited by Socrates on this emergency. * * * He walked and darted his regards around with a majestic composure, looking tranquilly both on his friends and enemies; so that it was evident to every one, even from afar, that whoever should venture to attack him would encounter a desperate resistance. He and his companion thus

departed in safety; for those who are scattered in flight are pursued and killed, whilst men hesitate to touch those who exhibit such a countenance as that of Socrates, even in defeat.

This is the picture of a sage painted by a sage; and why may not great wisdom be the strongest element of a great war? In the days when the States of Greece were free, when Rome was free, when Venice was free, who but their great statesmen, counselors, and senators, led their armies to victorious battle? In the best days of all the great and free States, civil place and distinction was never held inconsistent with military authority and conduct. So far from it, all history teaches the fact that those who have proved themselves most competent to direct and administer the affairs of government, in times of peace, were not only trusted, but were best trusted with the conduct of armies in times of war. In these teachings of history there may be some lessons we have yet to learn; and that we have such lessons to learn I know was the strong conviction of the late Senator. It is with no sense of satisfaction that I feel it my duty to say that I have been led to the opinion that there is much soundness in the opinion he entertained.

It is but a brief time since the late Senator was among us, maintaining our country's cause, with wise counsel, clothed in eloquent words. When, in August last, his duties here as a Senator for the time ceased, he devoted himself exclusively to the duties of a soldier. Occupying a subordinate position, commanded where he was most fit to command, he received his orders. He saw and knew the nature of the enterprise he was required to undertake; he saw and knew that he was required to move underneath the shadow of the wings of Azrael. He did not, he would not, question the requirement made of him. His motto on that day was: "A good heart and no hope." He knew, as was known at Balaklava, that some one had blundered; yet he said: "Forward, my Brigade, although some one has blundered." Was this reckless rashness? No! It may be called sacrifice, self-sacrifice; but I, who know the man who was the late Senator—the calm, self-possessed perfectness of his valor—and who have studied all the details of the field of his last offering with a sad earnestness, say to you, sir, to this Senate, to the country, and particularly to the people of the land of the West, where most and best he is known and loved, that no rash, reckless regardlessness of danger can be attributed to him. It is but just to say of him that his conduct sprung from a stern, hero, patriot, martyr spirit, that enabled him to dare, unflinchingly, with a smile to the green earth, and with a smile to the bright heavens, and a cheer to his brave companions, ascend the altar of sacrifice.

A poet of the middle ages, speaking of Carthage as then a dead city, the grave of which was scarcely discernible, says:

> For cities die, kingdoms die;
> A little sand and grass covers all
> That was once lofty in them, and
> Glorious; and yet man, forsooth,
> Disdains that he is mortal! Oh,
> Mind of ours, inordinate and proud!

It is true cities and kingdoms die, but the eternal thought lives on. Great thought, incorporate with great action, does not die, but lives a universal life, and its power is felt vibrating through all spirit and throughout all the ages. I doubt whether or not we should mourn for any of the dead. I am confident that there should be no mourning for those who render themselves up as sacrifices in any great, just, and holy cause. It better becomes us to praise and dignify them. It was the faith of an ancient people that the souls of heroes did not rest until their great deeds had been hymned by bards, to the sounds of martial music. Bards worthy of the ancient time have hymned the praise of the great citizen, Senator, and soldier, who has left us. They have showered on his memory

> Those leaves, which for the eternal few
> Who wander o'er the paradise of fame,
> In sacred dedication ever grew.

I would that I were able to add a single leaf to the eternal amaranth. In long future years, when our nights of horror shall have passed, and there shall have come again "the welcome morning with its rays of peace," young seekers after fame and young lovers of freedom, throughout all this land, yea, and other and distant lands, will recognize, honor, and imitate our late associate as one of the undying dead.

Remarks of Gen. J. A. McDougall,

On the Resolution to Prohibit the Sale of Spirituous Liquors in the National Capitol Building, delivered in the United States Senate, April 11th, 1866.

Mr. President: It was once said that there were as many minds as men, and there is no end of wrangling. I had occasion some years since to discourse with a reverend doctor of divinity from the State which has the honor to be the birthplace, I think, of the present President of this body. While I was discoursing with him, a lot of vile rapscallions invited me to join them at the bar. I declined, out of respect to the reverend gentleman in whose presence I then was. As soon as the occasion had passed, I remarked to the reverend doctor, "Do not understand that I declined to go and join those young men at the bar because I have any objection to that thing, for it is my habit to drink always in the front and not behind the door." He looked at me with a certain degree of interrogation. I then asked him, "Doctor, what was the first miracle worked by our great Master?" He hesitated, and I said to him, "Was it not at Cana in Galilee, where he converted the water into wine, at a marriage-feast?" He assented. I asked him then, "After the ark had floated on the tempestuous seas for forty days and nights, and

as it descended upon the dry lands, what was the first thing done by father Noah?" He did not know that exactly. "Well," said I, "did he not plant a vine?" Yes; he remembered it then.

I asked him, "Do you remember any great poet that ever illustrated the higher fields of humanity that did not dignify the use of wine, from old Homer down?" He did not. I asked, "Do you know any great philosopher that did not use it for the exaltation of his intelligence? Do you think, doctor, that a man who lived upon pork and beef and corn-bread could get up into the superior regions—into the ethereal? No; he must

> 'Take nectar on high Olympus,
> And mighty mead in Valhalla.'"

I said to him again, "Doctor, you are a scholarly man, of course—a doctor of divinity—a graduate of Yale: do you remember Plato's Symposium?" Yes, he remembered that. I referred him to the occasion when Agatho, having won the prize of Tragedy at the Olympic Games at Corinth, on coming back to Athens, was feted by the nobility and aristocracy of that city; for it was a proud triumph to Athens to win the prize of Tragedy. They got together at the house of Phædrus, and they said, "Now, we have been every night for these last six nights drunk: let us be sober to-night, and we will start a theme;" which they passed around the table, as the sun goes round, or as they drank their wine, or as men tell a story. They started a theme, and the theme was love—not love in the vulgar sense, but in its high sense—love of all that is beautiful. After they had gone through, and after Socrates had pronounced his judgment about the true and beautiful, in came Alcibiades with a drunken body of Athenian boys, with garlands around their heads to crown Agatho and to crown old Socrates; and they said to those assembled, "This will not do; we have been drinking, and you have not." And after Alcibiades had made his talk in pursuance of the argument, in which he undertook to dignify Socrates, as I remember it, they required (after the party had agreed to drink, it being quite late in the evening, and they had finished their business in the way of discussion) that Socrates should drink two measures for every other man's one, because he was better able to stand it. And so one after another they were laid down on the lounges in the Athenian style, all except an old physician named Aristodemus, and Plato makes him the hardest-headed fellow except Socrates. He and Socrates stuck at it until the grey of the morning, and then Socrates took his bath and went down to the groves and talked academic knowledge.

After citing this incident, I said to this divine, "Do you remember that Lord Bacon said that a man should get drunk at least once a month, and that Montaigne, the French philosopher, endorsed the proposition?"

I said to him further, "These exaltants that bring us up above the common measure of the brute, wine and oil, elevate us, enable us to seize great facts, inspirations, which, once possessed, are ours forever. And those who never go beyond the mere beastly means

of animal support, never live in the high planes of life, and cannot achieve them. I believe in women, wine, whisky, and war."

The reverend doctor replied, "Well, General, you are right; but I cannot afford to say it."

I do not know but that it would be well for the sober Senator from California to indulge himself somewhat more in generous wine; and I do not know but that it would be of service to the Senator from New Hampshire, and I am sure it would have a kindly influence upon the Senator from Massachusetts. I think all these propositions, all these regulations, all this style of determining liberties that ought to be common to all men, by virtue of ismatical influences, is wrong, and I utterly protest against it. I think it was well when we had our lunch-room in the Senate chamber, where we quietly sat down and drank our wines at our pleasure. The times have come to be so false that men dare not say what they honestly think to be the truth and the right. That sin of cowardice shall never come to my door. I say the whole proposition is wrong. Let the Senator from Massachusetts, if he chooses, drink his wine as his forefathers did before they cut down all the apple-trees in that State. Because apple-trees raised apples, and apples made cider, and cider made brandy, they cut them down all through New England; but in his grandfather's time, every gentleman of Massachusetts, or every man who was able to afford it, had on his side-board a bottle of good apple brandy, and he offered it to his guests the moment he received them. Those were the good old times when gentlemen were abounding in the land. This kind of regulation tends to decorate humanity and to degrade the dignity of the Senate.

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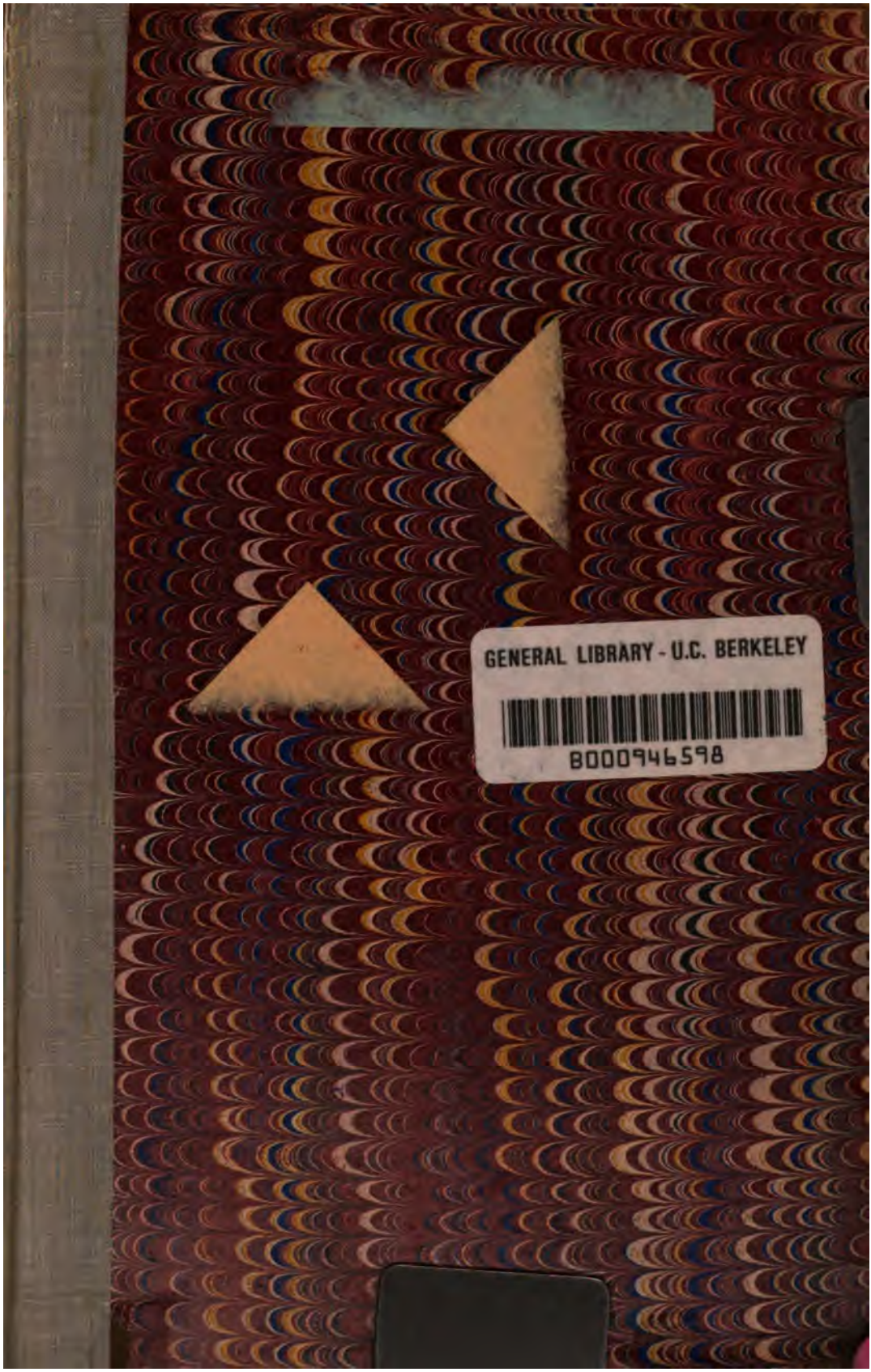
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